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JAMES LOUIS PETIGRU

1845

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"An article of ornament in the furniture of Badwell"

(Frontispiece)

LIFE, LETTERS AND
SPEECHES
OF
JAMES LOUIS PETIGRU

THE UNION MAN OF
SOUTH CAROLINA

BY
JAMES PETIGRU CARSON, E. M.

WITH AN INTRODUCTION
BY
GAILLARD HUNT, Litt.D., LL.D.

FOR SALE BY
W. H. LOWDERMILK & CO.
WASHINGTON, D. C.
1920

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by
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WASHINGTON, D. C.

**THIS BOOK
PREPARED AT THE DESIRE
OF
CAROLINE CARSON
PETIGRU'S DAUGHTER
IS DEDICATED
TO HER MEMORY**



INTRODUCTION

"I remember your saying that South Carolina was the romantic and picturesque element in our great Confederacy," wrote Miss Sally S. Hampton from "The Woodlands" to her friend Mr. Ruggles, on January 25, 1861.*

The political and social structure of the State was not only picturesque but singular. Here was a commonwealth which came into existence before the Revolution, rose to its height in the first quarter of the next century, continued to live with varying degrees of vigor for two generations longer and then died a violent death. It all happened in a period of about one hundred years—from 1761, say, to 1861. The date of the beginning is indefinite, but the date of the end is fixed. No other American State presents a study so compact. Here was a State in undisputed control of a recognized upper class; here was a republic in which a small group of superior men were the governors; here was a society dominated by aristocrats. The elements which made South Carolina existed in other States, notably in Virginia, North Carolina and Georgia, but they did not pervade those States as completely as they pervaded South Carolina. James Henry Hammond, Governor and Senator, an able man of unusual mental frankness, in the confidence of his private diary wrote this on December 7, 1850:

The government of South Carolina is that of an aristocracy. When a Colony, many families arose in the Low Country who became very rich and were highly educated. They were real noblemen and ruled the Colony and the State—the latter entirely until about thirty years ago, and to a very great extent to the present moment.

When Hammond spoke of the education of his sons, August 25, 1858, he said: "I have worked like ten overseers and made every sacrifice to make my sons well educated and wellbred, *independent* South Carolina *country gentlemen*, the nearest to *noblemen* of any possible class in America."†

*Library of Congress MSS. "Personal Miscellany."

†To his brother M. C. M. Hammond. Library of Congress MSS. "Hammond Papers."

The men who made the State being countrymen with large holdings of land, led isolated lives and encountered little opposition in their inclinations. Consequently, they developed unrestrainedly and naturally and their faults and virtues were accentuated. They had many primitive characteristics. Open-hearted, open-handed, generous, loyal, brave and affectionate, they were, at the same time, impulsive, improvident, intolerant, quick-tempered and passionate. They were genuine men, without cant, pretense or affectation. Their superior position was so undisputed that no assumption on their part was required to support it.

Broad-minded men liked them, even if they did not approve of them, and timid men, who hesitated to form convictions or to express them, feared these self-centered masters who asserted their beliefs with boldness and absolute conviction that they were right. Their strength of conviction on political questions came partly from the fact that the chief political issues of their day were questions which affected each one of them in his home and family life. Thus they took the lead naturally in the movement to destroy a nation which, it was plain, was making up its mind to destroy them. More than any other Americans they suffered from the failure to establish a new nation based upon their social system, for no other State was founded so absolutely upon that system.

Their power in the nation had been out of proportion to the size and commercial importance of the State. It was not a large State; it was not populous; many other States surpassed it in wealth; yet from the beginning of the Union it wielded as much influence alone as any group of States exercised together. It commanded the Constitutional Convention to guarantee slave property and the Convention obeyed; it ordered a halt in the progress of the protective tariff system and Congress changed the tariff law; it ordered the other Southern States to form a separate nation and they tried to form it. Just before the Civil War, Jeremiah S. Black, Secretary of State, had a conversation with William Henry Trescot, his Assistant Secretary, on the subject of fortifying Forts Moultrie and Sumter. "Then the Judge broke out," says Trescot, "into an eulogy of South Carolina. 'There,' said he, 'a little State no bigger than the palm of my hand, has broken up this mighty Empire. Like

Athens, you control Greece. You have made and you will control this revolution by your indomitable spirit. Up to this time you have played your part with great wisdom—unequaled—but now you are going wrong.’”*

A State which was so powerful must have been led by able men. It is true that, as a consequence of its self-sufficiency, some of the strongest intellects were satisfied to expend themselves within the boundaries of the State and were not generally known elsewhere; but any one who went to South Carolina soon became aware of the fact that he was breathing an intellectual atmosphere, and that to be the equal of the men whom he met he must be well educated and well informed, and must have his mental faculties in good training.

“The South don’t care a d—n for Literature or Art,” wrote William Gilmore Sims, the novelist, to Hammond,† December 27, 1847; but the remark was not true of South Carolina. She tried to build up a civilization and she included literature and art among its attributes. She was proud of Sims and of Washington Allston, her painter. The State was too small a market to support Sims, but it produced him, and Timrod and Paul Hayne, who were true poets. Hugh S. Legaré’s *Southern Review* was as good as any review of its day and the newspapers contained articles which showed that they were written by men of cultivation, thought and knowledge. If political writing is literature, as I think it is, South Carolina was one of the foremost literary communities of the nation. Calhoun, Grimké, Hammond, Harper, R. Y. Hayne, Turnbull, McDuffie and Petigru, to take only a few names without deliberation, were writers who argued convincingly, analyzed as philosophers, and demonstrated an easy familiarity with classical literature, ancient and modern. They clothed their thoughts in English with which no purist could find fault.

The city of Charleston was the centering point of South Carolina. All that was there was in the country districts and smaller towns also, but nowhere else did it flower as luxuriantly as it did in Charleston. The testimony of Henry Adams, the historian, will suffice on the subject of Charleston society.

*American Historical Review, XIII, 549. Library of Congress MSS. “Trescott Papers.”

†“Hammond Papers.”

"The small society of rice and cotton planters at Charleston," he says, "with their cultivated tastes and hospitable habits, delighted in whatever reminded them of European civilization. They were travellers, readers and scholars; the society of Charleston compared well in refinement with that of any city of its size in the world, and English visitors long thought it the most agreeable in America.*

It is true that the aristocrats of South Carolina delighted in what reminded them of European civilization, but it must be remarked that in many of its aspects their civilization was not European. It was, in fact, their own. It was more like that of the West Indies than it was like any other, but the upper part of the State was a farmer's country quite different from the region of the rice plantations, and from the farms came many of the strongest and most influential men of the State. Hammond spoke of the low country "nobility," but they did not alone constitute the aristocratic class, for it was constantly invigorated by accessions from the up-country and included in it men like Hammond, Calhoun and Petigru, all up-countrymen. Huguenot descendants were always welcomed into it. Indeed, if one strain of ancestry was accorded special consideration it was the Huguenot strain. Paradoxical as it may sound, however, the aristocratic class was democratic in its foundation and made up of various elements of various origin.

There was great unanimity in the political sentiments of South Carolina when it led the South into the Civil War, but it had not come until after a furious conflict of opposing ideas which had taken place thirty years before Fort Sumter was fired on. Before the State forced the Congress of the United States to change the tariff law of 1832, there had been a contest within its borders which had almost assumed the proportions of civil war. The line of division between the opposing parties was clearly drawn. On one side were those whose devotion to the Union transcended all other political sentiments, and the leader of that party was James Louis Petigru. On the other side were the men whose country was South Carolina. After a conflict which aroused animosities which were never completely allayed, the party composed of those who acknowledged no allegiance

*History of the United States, 1, 149.

superior to that which they owed to their State triumphed, and an Act of Congress was formally declared to be null and void within the borders of South Carolina. Thereafter, some of the members of the Union party left the State, and some who remained, as the years passed, gave up the hopeless struggle against the predominating doctrine of State supremacy, sovereignty, fealty and allegiance. By the time the Civil War came there were fewer Union men in South Carolina than there were in any other Southern State.

There were a few, however, the remnant of a once powerful party, and chief among them was Petigru.

Although Petigru never held a national office, except for two years during Fillmore's administration, when he acted as United States Attorney at Charleston, and never appeared in national political life he was, nevertheless, well known throughout the country. No visitor counted a visit to Charleston as complete until he had met him. He became an institution of Charleston. His exalted personal character, his wit and humor, his amiable peculiarities, his impressive personal appearance combined with his wisdom and broad humanity to make him a marked man, one who was sought after, listened to and quoted. The American bar looked upon him as one of its giants. If a single one of his characteristics must be named as predominant, it was his love of justice. He loved the law as the instrument of justice. If a single one of his political beliefs must be given, it was his conviction that the American Constitution was the greatest plan of government ever devised. His belief in the rights of the individual man and freedom of conscientious opinion was so strong that, Unionist as he was, he accorded to others the same right of belief that he demanded for himself. Several of his relatives were in the Confederate service. He would not coerce them from following what they believed was their duty, and he would not be coerced in following what he believed was his own duty.

In estimating Mr. Petigru, the mistake must not be made of thinking of him as "a Southern man with Northern principles." He was as much of a Southerner as any of his neighbors were. There was a time in his life when he regretted that he had not left his native State, as some other Union men had done, and gone to New York or other Northern city; but if he had done so he

would always have been a Carolinian living in another place. He was essentially a product of "the romantic and picturesque element in our great Confederacy," and had the qualities which it produced; but we can hardly censure the tempestuous temper, the improvident generosity, and the domineering superiority of a man who loved flowers and trees, who always tried to be just, whose intellect was the equal of the highest, and whose courage, physical, mental and moral, was unconquerable. Petigru would have denied that he held the sentiments of a Northern man. He would have insisted that his sentiments were National—were those of Southern men as well as Northern men, were those of the Southern statesmen who played a principal part in creating the National Government and putting it in operation, were the convictions which had prevailed in South Carolina itself until the Nullification party triumphed by a bare majority in 1832. He would have insisted that it was the State and the South which had changed and not himself.

Inspired to the task by Petigru's daughter, Mrs. Caroline Carson, her son, Mr. James Petigru Carson, has gathered together in the course of many years of devoted labor a great quantity of Petigru's letters, his speeches and a few of his legal arguments, and many of them are printed in this volume. They develop, as only such papers can, Mr. Petigru's legal and political career, and his daily life and habits. They are valuable on that account, but they have additional interest because they give an intimate view of the type of men who controlled South Carolina when the State wielded so much power in the nation.

GAILLARD HUNT.

*Washington,
August 20, 1920.*

PREFACE

James Louis Petigru was simply an American, and a patriot always devoted to the advancement of the physical and social welfare of his native State. For thirty years he was the acknowledged leader of the bar of South Carolina, when for brilliancy, learning and practice it stood among the first in the United States.

He was of the school of Alexander Hamilton, a Federalist and a Whig. He considered the Constitution as an inspired document, and love of the Union was part of his religion; and from his fearless maintenance of his views throughout his life he can justly be termed the "Union Man of South Carolina."

His opposition to the political creed of South Carolina was fundamental. During the heated period of Nullification he was in bitter opposition to the majority of his fellow-citizens, many of whom were his closest and warmest friends. He was really the head of the Union party, but after doing most of the labor he, with his usual modesty, always put forward one of his friends into the first place.

On none of the questions that afterwards agitated South Carolina did he ever share the popular passions. His mind rose far above all illusions and neither fear nor favor could influence his judgment. No man ever threw himself more unhesitatingly upon his own sense of right. Serenely abiding the issue, he devotedly and fearlessly led the forlorn hope of the Union party up to the final outcome of secession and the Civil War.

Although he well understood the advantages of seeking a home north of the Potomac, yet he felt that he never could abandon the ties that bound him to his family, friends and the many who were dependent upon him. His local attachment was very great, but probably there was no State in the Union where his political following and influence would not have achieved greater results than in South Carolina.

His affections were peculiarly tender, and during the war the sufferings endured by his neighbors continually wrung his heart. His moral and physical courage in avowing his opinions in

opposition to a whole State in arms surprised no one who knew his contempt for danger and his indifference to popular applause. His conduct met a responsive chord among his people, and though they differed with him they were proud of him as a fellow-Carolinian. It is remarkable that many of his dearest friends were among his most bitter political opponents.

Mr. Petigru never kept a diary and seldom spoke of himself or of his early life except when relating some anecdote in which other persons figured. It is a loss ever to be deplored that much of his early correspondence and a diary kept by his daughter Caroline were destroyed by the burning of his house in the fire of 1861. Many of his manuscript letters, however, were preserved by his daughters and others were obtained from various sources. Often after a hard day's work, letters were written late at night to members of his family without the slightest suspicion that they would ever be published which show the great facility of his style and depth of the outpourings of his heart.

Mr. Edward Everett had contemplated writing a Life of Petigru, and he was supplied with such notes and recollections as Mrs. Carson could furnish, which, however, were entirely inadequate for the purpose. After his death they were returned to her and have been freely used in the following pages.

A tin box containing some of Mr. Petigru's private papers was accidentally discovered in a local law office where it had lain for some thirty years. The contents of this box proved to be a mine of information, and furnished many dates and facts which filled up gaps in his career. "Grayson's Memoir" published by Harpers in 1866, and Joseph Blythe Allston's sketch of his life and letters, published in *The Charleston News and Courier* in 1900, have been corrected, and freely used wherever available.

The letters have been arranged chronologically as far as possible, but some of them have been segregated when the subject would be more clearly shown. An endeavor has been made to present the picture of the man and let him delineate the story of his life with his own master hand; but to fill out the background of the picture explanatory notes of people and political events have been added.

This many-sided man, although his lot was cast in a limited circle and he was ever without place and power, from the pure

force of his personal character, the brilliancy of his talents and preeminence in his profession earned the admiration and veneration of the people, not only of his own State but also of the whole country.

JAMES PETIGRU CARSON.

*Charleston,
June 15, 1919.*

CONTENTS

	PAGE
CHAPTER I	
Genealogy	1
CHAPTER II	
Jean Louis Gibert, 1722-1773	5
CHAPTER III	
The Pastor's Children	14
CHAPTER IV	
Childhood; The Farm at Badwell	17
CHAPTER V	
School	28
CHAPTER VI	
College	33
CHAPTER VII	
Teaching School and Reading Law	37
CHAPTER VIII	
Social Life at Beaufort	40
CHAPTER IX	
Admitted to the Bar; A Soldier	46
CHAPTER X	
1813	
Commences the Practice of Law	50
CHAPTER XI	
1816-1819	
His Marriage and Religion	58
CHAPTER XII	
1820	
Law Practice in Charleston; Law Office and Garden; Cases	62
CHAPTER XIII	
1826-1829	
Misfortunes; His Sisters, and Social Life	72

CHAPTER XIV	
1830-1831	
Defeated as Union Candidate for State Senator; Work of the Union Party	78
CHAPTER XV	
1832	
The Union Party and Nullification	87
CHAPTER XVI	
1833	
Repeal of Nullification	115
CHAPTER XVII	
March-August, 1834	
Argument Against the Test Oath; Political Situation . .	130
CHAPTER XVIII	
August-December, 1834	
Closing Scenes in the Drama of Nullification; Pacification Between Nullifiers and Whigs Brought About by Hamilton and Petigru	157
CHAPTER XIX	
1835	
Tribute to Chief Justice Marshall; Visits New York; Removes Daughter, Caroline, from School; Death of his Brother, Charles; Genealogy; Administration of Plan- tation	172
CHAPTER XX	
1836	
Advice to Legaré; Death of his Brother-in-law; Marriages of his Sisters; Cholera; Fire in City; Buying Land . .	181
CHAPTER XXI	
1837	
The Britt Pension and Coolness with Poinsett; Death of his Father; Choctaw Country, Mississippi	188
CHAPTER XXII	
1838	
Mrs. North to Teach School; Fire in Charleston; Governor Gilmer of Georgia; Legaré	195

CHAPTER XXIII	
1839	
Sells Plantation; Economizing; Feet in the Stocks . . .	203
CHAPTER XXIV	
1841	
Marriage of his Daughter, Caroline, to William A. Carson; Dean Hall Plantation, Cooper River	206
CHAPTER XXV	
1842	
Financial Failure	212
CHAPTER XXVI	
1843	
The Dowager; Case of Jewell & Jewell; Mr. Legaré; Marriage of his Daughter, Susan; Lecture to Susan; The Schultz Case	224
CHAPTER XXVII	
1844	
Ball in Honor of Mr. Clay; Election of Governor Aiken; Mr. Hoar	238
CHAPTER XXVIII	
1845	
Mesmerism; Life Mask; White Sulphur Springs; Mr. Clay; Philadelphia; New York	241
CHAPTER XXIX	
1846-1847	
Hospitality; Dress Coat "Destituted"; A Mean Inn; Daniel; Mexico	257
CHAPTER XXX	
1848	
Disgusted with Taylor Democratic Clubs; Stump Speech in Abbeville for General Taylor; Bernard Bee; Dines with Mr. Calhoun; Flask and Silver Cup; Stump Speech for Taylor in "The Range"	265
CHAPTER XXXI	
1849	
James Johnston Pettigrew Arrived; The New Cabinet; Keeping the Peace; Retirement of Mr. Lesesne from the Firm	276

CHAPTER XXXII

1850

- Calvary Church Riot; Compromise of 1850; Appointed
U. S. District Attorney; Philadelphia on Law Business;
South Carolina Legislature; Travels of J. J. Pettigrew . . . 280

CHAPTER XXXIII

1851

- Murder Case at Camden; His Nephew, Phil Porcher . . . 287

CHAPTER XXXIV

1852

- Crying Speech; White Sulphur Springs; Death of Mr.
Webster; Calhoun Monument 291

CHAPTER XXXV

1853

- Visit to Governor David Johnson; The Kohne Case; "The
Busy Moments of an Idle Woman" 295

CHAPTER XXXVI

1854

- Borrowing Money for Client; Case at Walterboro; Speech at
Semi-Centennial of South Carolina College; Dinner with
Governor Manning; Preventing a Duel; The Genus "Rice
Planter"; Grayson's Poem 298

CHAPTER XXXVII

1855

- Argument Before the Supreme Court at Washington; Has a
Mind to Take up Lecturing; Marriage of Mr. Dorn;
Captain Thomas Petigru and the Retiring Board . . . 313

CHAPTER XXXVIII

1856

- Marriage of Miss Elliott; Oration at Erskine College, Due
West, S. C.; Mrs. Petigru at Flat Rock; First President
of South Carolina Historical Society; Magrath-Taber
Duel 317

CHAPTER XXXIX

1857

- Defeat in Law Case; Death of Captain Thomas Petigru;
Completion of Memphis & Charleston Railroad; Failure
of Banks 321

CHAPTER XL

1858

- Appeal to Susan; Death of Colonel Hampton and Doctor
Gilman; Visit of Mr. Edward Everett; His Letters; Tren-
holm; Marietta, Ga.; Defends Blue Ridge Railroad;
Opposed by Tombs & Cobb 325

CHAPTER XLI

1859

- Historical Investigations; James Late; Lecture to Willie;
South Carolina Railroad Bridge; Revival Stirs Abbe-
ville Atmosphere 342

CHAPTER XLII

- Slavery; Besselleu; George Broad; Passage to Liberia;
The Smalley Case; Old Tom; Return of a Miscreant;
Daddy Lunnon 347

CHAPTER XLIII

1860

- Edward Everett; White Sulphur Springs; Working on Code;
Political; Law about Guns; Miss Cunningham, Mount
Vernon; Toney Drunk; Political; Secession of South
Carolina 355

CHAPTER XLIV

January-March, 1861

- Edward Everett; Comments; Governor and Mrs. Pickens;
Shuffling Buchanan; Davis Becomes President; Elected
Honorary Member Massachusetts Historical Society;
Foreseen Defects in the Constitution of the United
States; No Near Solution of Fort Sumter Entanglement;
Visit of Lamon and Hurlbut 365

CHAPTER XLV

April-June, 1861

- Fort Sumter; Huguenot Records; Sadness at the Taking of
Fort Sumter; Lincoln's Policy; Dinner to Dr. W. H.
Russell; Reverdy Johnson; Mrs. Carson Returns to New
York; Inhabitants of Summerville Shy of him; Rhett, Jr.,
Publishes him as a Monarchist; Card from J. J. Pettigrew 376

CHAPTER XLVI

July-October, 1861

- Johnston as a Private; Hurlbut a State Prisoner in Defiance of Magna Charta; Belief in General Scott; Wishes he Were on the Other Side of the Potomac; Fighting will Dispose People to be More Civil to One Another; Comments on the Battle of Manassas; Afraid Defeat Would Have Cost General Scott his Life; The Code; The Well; Doings of the Clergy; Efforts on Behalf of Hurlbut 386

CHAPTER XLVII

October, 1861

- Mr. Petigru's Argument Against Sequestration Act . . . 395

CHAPTER XLVIII

October-November, 1861

- Work on the Code; Advice to his Grandson, James; Federal Descent on the Seacoast; General Panic, and Abandonment of the Sea Islands 411

CHAPTER XLIX

December, 1861

- Silver Deposited for Safe-keeping in Commercial Bank of Columbia; Its Ultimate Loss; Great Fire in Charleston; Burning of his House; Courage and Cheerfulness in Adversity; Bank of Charleston Votes a Year's Salary in Advance; Re-elected by Legislature Commissioner for Digesting and Re-molding the Laws, with the Same Salary 418

CHAPTER L

January-April, 1862

- Delivery of Mason and Slidell; about Sending James to New York, and his Emigration; Miss Sally Rutledge; General R. E. Lee; Letter to Barnwell Rhett; The Right to Change a Boy's Domicile; On the War; Letter to J. J. Pettigrew; First Dollar to the Cause; J. J. Pettigrew Promoted 426

CHAPTER LI

April-July, 1862

Comments on the War; Wishes he had Emigrated Forty Years Ago; General Pemberton Determined to Burn the City; Rumor of Death of J. J. Pettigrew; Battle of Secessionville; Death of his Son-in-law, Henry C. King; South Bleeding at Every Pore; Removal to Summerville 440

CHAPTER LII

July-September, 1862

Comments on McClellan and the War; Work on the Code; "Johnston a Genius" 455

CHAPTER LIII

October-December, 1862

Epoch of his Life; Interpretation of History; Defending a Free Negro; Discharge of Elkins Held Contrary to Confederate Act; Scarcity of Salt; "The Avenue the Only Chance of Going Down to Posterity"; Has not Changed his Views; The Code Finished; Message Sent Through Lieutenant Didier, H. I. M. Ship Milan . . 458

CHAPTER LIV

January-March, 1863

Death of Daniel Petigru; Helping the Unfortunate; James Goes to Chapel Hill, N. C.; Advice to James; More Concerned About Health than the Movements of General Hunter; His Last Letter, Directions About Trees; Closing Days; Letter of Alfred Huger; Preface of Bar Association and Correction of Memorial 466

CHAPTER LV

The Epitaph 477

Index 489

LIST OF ILLUSTRATIONS

	PAGE
James Louis Petigru (1845)	<i>frontispiece</i>
Reverend Etienne Gibert	<i>facing</i> 8
White Oak Avenue, Badwell	24
Ballot, 1832	96
Book Plate	176
Seal	180
Caroline Petigru at Eighteen	184
Mrs. R. F. Allston	200
James Louis Petigru (1842)	208
James Louis Petigru (1861)	376
J. Johnston Pettigrew	384

JAMES LOUIS PETIGRU

THE UNION MAN OF SOUTH CAROLINA

CHAPTER I

GENEALOGY

James Louis Petigru was born on the 10th of May, 1789, on a farm in the Flatwood Section of Abbeville County, South Carolina.

He was named after his two grandfathers, James Pettigrew, the Scotch-Irish emigrant, and the Reverend Jean Louis Gibert, the Huguenot Pastor of the Desert.

From his father he derived his love of books, his wit, his quaint humor and pathos; from his mother his gravity of mind, unwearied industry, conscientiousness and the martyr spirit in which he lived his life.

According to tradition the Pettigrews originally came from France to Scotland about 1648, and went to Ireland about 1660.

James Pettigrew III, the emigrant, was borne in County Tyrone, Ireland, April, 1713, and died in Abbeville, S. C., December 24, 1784. At the age of eighteen he left college and eloped with Mary Cochran, six months his junior. She was the daughter of George Cochran of The Grange.

After a time James decided to go to the woods of Pennsylvania to seek his fortune. Leaving the eldest of his four children with her grandmother in Ireland, he and his wife, with a daughter and two boys, emigrated to America and landed at New Castle in 1740. He had £500 in cash and he received remittances from Ireland until the Revolution. Though he never graduated from college, he had a good classical and general education. In Philadelphia he knew the prominent men of the day, Dr. Franklin among others, and that shrewd observer

advised him to study medicine. Having the restless spirit of a wanderer and speculator, he disregarded this advice.

He obtained a tract of 300 acres of land on Marsh Creek, near Chambersburg, Pa. Here his fifth child, Charles, was born March 20, 1744. It is said that he became very religious and allowed no cooking in the house on Sunday, a circumstance to which he owed his life, for on a Sunday hostile Indians came in his direction and seeing no smoke coming from his chimneys concluded that the house was unoccupied. In recognition of this providential intervention he afterwards called one of his sons Ebenezer. He sent to Ireland for his eldest daughter but she died on the voyage over. He succeeded in getting his farm well settled but it was broken up by the war, and after Braddock's defeat in 1755 he sold his land for £80. He then moved to Lunenburg County, Va., where he hired some land and remained three years. His son William, the thirteenth child, was born here January 26, 1758.

He then moved to Granville County, N. C., where he remained for ten years. While there his third son, Charles, went to Edenton, N. C., to teach school. Charles afterwards became the first Episcopal Bishop of North Carolina. Hearing favorable accounts of the land in South Carolina, James Pettigrew sold his North Carolina land in October, 1768. After three weeks' travel he reached Long Cane River about seven miles from Abbeville Courthouse. Here with the spirit of the speculator he had a large tract of land surveyed by Colonel Gaillard and his son Henry for the purpose of obtaining a grant from the Crown. This land was claimed by a man called Salvadore, whose agent interfered, and to avoid a law suit the land was abandoned. It was for years afterwards known as "Jews Land." James Pettigrew remained in this section for four years. In 1773 he bought a farm in what is known as the Flat Section of Abbeville District, situated on Little River, an affluent of the Savannah River, about ten miles distant. The land being fertile he made good crops, his cattle increased and he was becoming very prosperous. In 1776 there occurred an outbreak of the Cherokee Indians, and those who escaped massacre were forced to seek safety at the Huguenot Fort of James Noble; which was commanded by Patrick Calhoun, the father of John Caldwell Calhoun. In a short time they returned home and enjoyed

tranquility until 1779. Two of his sons entered the patriot army, one of whom, James, was killed at the Siege of Savannah. Later the two younger daughters died at the age of twenty-three and twenty-five years, leaving the old people with only the youngest son, William.

After the fall of Charleston the life of no man was safe. The country was infested with rascally "bush-whackers" of both the Whig and Tory parties.

James Pettigrew was a strong Whig, somewhat skilled in medicine, and, there being few practitioners in the country, whenever called upon he gave help impartially to both Whig and Tory, for which reason he was little disturbed. A few years later, about the middle of December, he went to "a sacramental occasion" at Pickens' Meeting House, where Abbeville Courthouse now stands. There he remained all night. The weather was very cold and the bed-clothes insufficient so he took a violent cold. On Sunday night, after the meeting, he rode home twelve miles; pneumonia soon developed. He was sensible of his approaching dissolution and comforted his wife with his assurances of a happy immortality. He died December 24, 1784, at the age of seventy-one. His wife survived him two years, and died October 7, 1786, aged seventy-three. They were married in 1731 and produced the good patriarchal number of thirteen children, of whom six girls and six boys came to maturity.

William Pettigrew was born in Lunenburg County, Va., February 26, 1758, and died at Badwell, Abbeville County, S. C., January 23, 1837.

He was the youngest of the thirteen children and was born when his parents were forty-five years old. He inherited his father's farm at the Flat Woods. At the Indian outbreak of 1776 he served with various expeditions which extended into the Creek and Cherokee country from the Ocmulgee River to the Coosa River in Georgia. In the Revolutionary War he immediately went to the front. Under Colonel Pickens he was in the action at McGowan's Blockhouse in Wilkes County, Ga., eight miles above Cherokee Ford on the Savannah River.

The command of William Pettigrew joined General Lincoln in Georgia and after the defeat at Stono Ferry, June 20, 1779, were discharged and returned home. After the fall of Charleston, May, 1780, Colonel Pickens assembled his regiment and

they surrendered their arms to the Tory Colonel Richard Paris. In accordance with the conciliatory and cunning policy of Cornwallis they were allowed to take "British protection" and return home. But when General Greene besieged Ninety-six in 1781, then held by the Tory Lieutenant-Colonel Cruger of New York, like all good patriots William Pettigrew was among the first to join Pickens and remained till the close of the war. He received a wound in action for which he drew a pension.

CHAPTER II

JEAN LOUIS GIBERT

1722-1773

The maternal grandfather of James Louis Petigru was the Reverend Jean Louis Gibert, pastor at New Bordeaux, the third and last of the French Protestant settlements in South Carolina.*

Situated in the foothills of the Cevennes Mountains, fifteen kilometers from the town of d'Alais, in the Province of Languedoc, is the village of Lunes. Here the Gibert family had owned and occupied a small but comfortable house for two hundred and sixty years. They belonged to that strong race of mountaineers who after the Revocation of Nantes were in rebellion against the government of the great King.

Pierre Gibert and his wife Louise Guy had three sons. Pierre the eldest, whose son Pierre was the progenitor of those of the name now living in South Carolina; Jean Louis Gibert born 29th of June, 1722, and Etienne born 2d September, 1736; the last two being known as the "Pastors of the Desert."

Jean Louis was imbued with piety from an early age. In 1746 he entered the Seminary at Lausanne, and after three years' study he was ordained and assigned to the parish of San Martin du Bouboux. He had black hair and gray eyes, classical features and an attractive and determined expression; he was of medium height, well built, strong and active. He was naturally a man of action—a leader of men—and had he not been endowed with the spirit of an evangelist he probably would have been a soldier.

In 1750 he plunged into the work of his pastorate with irresistible courage and zeal, and his duties were continually extended. Tradition† tells how he would sometimes appear dis-

**Recherches Historiques sur les deux Freres Jean Louis Gibert et Etienne Gibert, Pasteurs en Saintonge*, par A. Crottet, Pasteur, Yverdon, Canton du Vaud, Suisse. 1860. *Les Freres Gibert Deux Pasteurs du desert et du refuge (1722-1817)* par Daniel Benoit, Pasteur. Toulouse, 1889.

†See Benoit, page 56, and Appendix.

guised as a countryman or shepherd, assemble his flock at night in some secluded spot (in French "the Desert") and preach, baptise and administer the sacrament. These assemblies often numbered four to five thousand people. They were frequently dispersed by the soldiers, but this seemed merely to increase his resolve and a few days afterward he would hold another meeting.

In 1755 Jean Louis Gibert with his brother Etienne, who for two years had accompanied him as secretary and a companion, escaped a trap set for them at Pons. Of two other companions one was killed and one captured by the soldiers. In the saddles of these men were Gibert's records and papers, and in consequence, by proclamation, he and his brother were condemned and a price put upon their heads dead or alive. Jean Louis was sentenced to make an act of abjuration, to be hanged, gibbeted and his body thrown into the offal ditch. Etienne was sentenced to be branded on the right shoulder with the letters G A L and sent to the galleys for life. He escaped to Lausanne, where for three years he pursued his studies at the seminary.

Jean Louis continued his work, and with the presence of mind and nerve of a trained scout managed to escape the traps and stratagems to capture him.

When dealing with his flock he was a strict disciplinarian, insisting on temperance and that on Sundays they should abstain from work and amusements and devote themselves to prayers and meditation. He insisted that children should be baptised regardless of the fear of persecution. To a man fearing to have his child baptised by the Pastor the latter told him that he "would be damned by all the devils and hell would be his portion." The man, however, had the child baptised by the priest. When Gibert was informed of the fact the man was immediately excommunicated. The Bishop suggested a modification of the treatment of his parishioners, but he, understanding his people, continued with firmness that brought forth fruit.

In 1755, when there was a relative calm in the persecution, believing that large assemblies in the woods were exposed to the inclemency of the weather and easy detection by the soldiers, the Pastor decided that they should gather in smaller groups, and he had constructed as churches, small unpretentious buildings which if destroyed could easily be replaced. Each was provided with an altar and benches for about two hundred

people. The services were very simple. The garb of the preacher was a square black cap, a long straight coat and a blue silk collar.

Persecution was renewed. The churches were used as barracks for the soldiers, were either torn down or burned.

In 1760 Gibert was elected president or Moderator of the Provincial Synod of the churches of Saintonge, Angumois, Perigord and Bordelais, and in spite of persecution the converts increased till they numbered about sixty thousand.

After ten years of unequal struggle he decided to obtain from the government of England authority to conduct a colony to America, and provided with suitable testimonials he arrived in England in April, 1761. He wrote to Stecker, Archbishop of Canterbury, and explained that the object of his mission was to carry a certain number of his people to America for the purpose "of cultivating the vine and raising silk," asking also that the English King should intervene with King Louis XV so that these Protestants with their wives and children might be allowed to leave France. The Archbishop submitted the letter to Pitt and other ministers and it was eventually conveyed to King George III, and met with his approval.

Gibert returned to France and after a delay of two years obtained from the Synod permission to withdraw from his duties and leave the country. In the month of March, 1763, he arrived in London and announced the coming of the emigrants. Though they had been promised a welcome no arrangements had been made for their reception. Archbishop Stecker again came to his assistance and through his influence King George contributed a thousand pounds for the benefit of the emigrants. To avoid observation they came in small groups and were assembled at Plymouth on the 25th of August.

Unfortunately there was a long delay; consequently, many renounced the projected expedition to America and remained in England. However, through the efforts of Gibert and his colleague, Pierre Boutiton, on the 25th December, 1763, the last emigration of Huguenots to America began to embark at Plymouth on the ship *Friendship*,* Captain George Perkins, bound for Charleston, S. C.

*Letter to J. L. Petigru, January 10, 1859, from W. N. Sainsbury, 29 Cambridge Street, Eccleston Square, London, S. W.

While waiting for a fair wind the emigrants found the food bad and some violent language was exchanged between them and the captain; for this, according to the pious chronicler, they incurred the wrath of God and were severely punished. On the 2d of January, 1764, they attempted to raise the anchor but failed, and not until the 11th did they set sail. On entering the channel they encountered a violent storm. With difficulty they were saved from shipwreck, and wet, cold and dejected they reached Torbay, twelve miles farther from Charleston than they were when they started. They returned to Plymouth and on the 22d of February, with a favorable wind, they again set sail for America.

After a monotonous voyage of forty-seven days they arrived in Charleston on the 15th of April, 1764. They were sheltered in barracks and food provided for them by the descendants of their bourgeois compatriots, many of whom were from the same province in France and had come to America immediately after the Revocation edict of 1686.

On the 18th of April, 1764, they received from Governor Thomas Boone and Lieutenant-Governor William Bull a grant of ten square miles of land for which they were to pay yearly a penny an acre, which sum was paid until the Revolution.

They selected a section in Abbeville County, then known as the District of Ninety-six. This was on the banks of Little River, twelve miles above its confluence with the Savannah.

On the 12th of October the colonists started from Charleston, and after much difficulty, on the 14th of November, reached their destination, about one hundred and fifty miles distant. Immediately on their arrival on the right bank of the Little River they cleared a space for a town which they called New Bordeaux in remembrance of the capital of Guyenne, from which place many of them had come. In the center of the town was erected a large building for a storehouse and town hall. Houses were built, and as a protection against the Indians a fort, called Fort Bonne, the remains of which still exist on the lands of Mr. Albert Gibert. To each adult was assigned a half-acre lot within the town for the immediate cultivation of beans and corn. Outside the town limits four acres of land for the cultivation of the vine and silk was granted, and in addition a bonus of one hundred acres.



REVEREND ETIENNE GIBERT
1736-1817

(Facing 8)

By June, 1765, they had finished planting corn and beans on the land assigned them.

At first they suffered the usual hardships of pioneers, but after the second year they produced all that was necessary for the support of their families.

The vine and silk were cultivated, but the productive crops were tobacco, corn, hemp and indigo; and after seven years of hard work the colony was in a most prosperous condition.

The Pastor devoted himself to the spiritual and temporal progress of the country. He taught the school and conducted the church under the Presbyterian form, and the greatest care was given to the registers of marriages and baptisms.

Before sailing for America the Pastor had married the sister of his colleague, Pierre Boutiton.* According to family tradition her given name was Isabeau and Mr. Petigru uses this name in the epitaph of her son, Joseph Gibert. On the passenger list of the ship *Friendship*, dated January 2, 1764, we find:

- "1. Mons. Jean Louis Gibert, age 41, Pastor;
2. Mad. Jeanne Boutiton, son epouse, age 21."

The register of the French Calvinist Church of Charleston shows:

"1767.

"Louise Le Dimanche 11 Octobre jai
batise Louise fille de Mr. Jean
Louis Gibert & de M^d Jeanne
Boutiton son epouse
qui l'ont presentié au St. Bateme.
Neé le 14th Septembre."

*Among the passengers were Jaques Boutiton and his wife and a young son, also called Pierre. Jaques returned to France. The Reverend Pierre Boutiton, who was 26 years old when he came to the colony, died before the war of Independence. Pierre, the younger son, married a widow with several children, and died after the American Revolution, leaving one daughter, Marguerite Boutiton, who died in Christ Church Parish, in 1859, at an extreme old age, leaving all she was worth to her grandniece, Armarinthia Screven Stuart, daughter of William Stuart, merchant, of Liverpool. Investigations which Mr. Petigru had made in France show that during the seventeenth century the Boutitons and Giberts had intermarried.

She may be entitled to both names. But little is known about her, but we can infer that she was a lady of practical tastes from the fact that she brought with her from France a wafer iron marked with the initials "I. B." This wafer iron is still preserved, and occasionally used at Badwell.

The Pastor located his home one mile east of New Bordeaux, selecting the end of a ridge overlooking the valley of Buffalo Creek. He built a comfortable house in which were stored a classical library and various papers relating to his work in France, and also the records of the colony. Unfortunately, all were lost when the house was burned during the war of Independence. After he had succeeded in bringing the colony to a prosperous condition he was, at the height of his usefulness, suddenly cut off by a stupid accident. His cook, John Le Roy, served him at dinner with what he supposed to be mushrooms; he was taken violently ill and died a few days afterwards, in August, 1773, at the age of fifty-one. It is pathetic that a man who had escaped the traps and stratagems of the soldiers of Louis XV, and the dangers of shipwreck, should have his career ended by the veratrum poison of an insignificant toad stool. In the family cemetery, contiguous to his house, his grave is marked by a square marble monument with inscriptions on the sides,—one in Latin, one in French and one in English, by Mr. H. S. Legaré; on the fourth side the record of his birth, the date of which differs from that recorded by Crotet.

West Side

The Devoted Huguenots
Not like other adventurers
Constrained by poverty to seek
their fortunes on a distant shore
but in the true spirit of humble
and heroic martyrdom
they plunged into the depths of
an untrodden wilderness
to secure that liberty of conscience
which they could not enjoy in
their own beautiful land.

Legaré.

South Side

Sacred to the Memory
of the

Rev. John Louis Gibert

Born near Alais

in Languedoc

22nd July 1722

Died in August

1773

The sudden death of the Pastor was mourned as a public calamity and his parishioners wept for him as for a father. He was succeeded by his nephew, Pierre Gibert, the son of his elder brother before mentioned, and under him the colony continued to prosper until 1777, when it was found that living in the town produced fever and the people began to settle in the adjacent country. About this time the value of cotton began to be recognized and it was cultivated with other crops. Being unable to wait till the culture of silk and the vine could become profitable it was practically abandoned, although continued by a few for a generation longer.

Pierre Gibert had been educated in England by his uncle, Etienne, and was brought to the colony by his uncle, Jean Louis. He taught school and the colonists are indebted to him for their education in English. He was among the first to embrace the cause of Independence. In a company of the colonists, Joseph Bouchillon was captain and Pierre Gibert the lieutenant. They served through the war from the siege of Savannah to the siege of Ninety-six. He was a public-spirited citizen and for many years represented the district of Abbeville in the General Assembly of South Carolina. He contributed largely to the founding of the church and Academy at Willington and he sought out and secured the services of Dr. Moses Waddell, who was the first pastor of the church and made the school celebrated. Pierre Gibert died June 20, 1815, aged sixty. He married Elizabeth Bienaimme, and many of their descendants were ministers of the gospel.

Although two hundred and twelve colonists landed in America, of the hundred and thirty-eight who settled in Abbeville only

about six of the original names remain,—Bouchillon, Covin, Gibert, Guillebeaux, Le Roy and Moragne.

Mr. Petigru's letter of September 4, 1823, to Mons. Gibert has interest for us at this point.

TO M. ELIE GIBERT CHEZ M. GABRIEL PASTEUR A D'ALAIS,
DEPARTMENT DU GARD.

Charleston 4 Septembre 1827.

Monsieur,

Votre lettre du 18 Juin 1826 adressée a M. Pierre Gibert* m'est parvenue; et je l'ai renvoyé a son fils le medecin Joseph Bienaimé Gibert à Longcane. Comme il n'est pas certain que vous receviez de reponse de lui et que je desire renouveler les relations avec la respectable famille de ma mère je prends la liberte de vous scrire. Je suis malheureusement obligé de commencer par vous annoncer la mort de votre estimable frere. It est mort le 20 Juin 1815. C'estait un homme éclairé, vertueux et juste. Il jouissait de la confiance de ses concitoyens, qu'il a representés plusieurs fois a l'assemblée de la Caroline de Sud. Sa veuve est mort le 20 Aout 1818. Trois fils, Pierre, Clement et Elie sont mort garçons: les deux premiers avant le père, Etienne, un autre fils est mort en 1823, sa veuve est restee avec sept enfans. Jean Louis un autre fils en 1826 sa veuve est resté avec six enfans—les deux familles sont à peu pres à leuraise. La fille puisnée Susane est morte il y a trous ans laissant un enfant. Ceux qui ont survecu sont Lucie, veuve Kennedy; Marie, epouse de M. Wright, maitre d'école; Harriet epouse de M. Hemphill, Ministre calviniste; Elizabeth, epouse de M. Lee, propriétaire, et Joseph Bienaime, Medecin. Mesdames Kennedy et Lee sont assez riches. Joseph a des bien considerable, les autres sont pauvres. Ils demeurent tous en la Caroline du Sud—et la plupart à Longcane.

It faut que je vous disc ce que je suis car mon nom vous est probablement inconnu. Je suis petit fils de M. Jean Louis Gibert. Il a laissé trois enfans et je suis fils de Louise la plus agée. Ma chere mère est morte il y'a un an, a l'age de 59 ans. Nous somnes neuf enfans 4 garçons et 5 filles. Il n'y a pas d'autres descendans de mon grandpère. Personne de tous les colon qui l'a ont accompagné a Longcane n'a survivre mais il y a un nombre considerable de leur descendans. Il se sont mele avec les autre habitants et ils sont à peu pres perdu l'usage de la langue française. Trois personnes demeurant a Charleston, sont les seul vivant de ceu qui emigré avec mon grandpère. Ce sont M. Thomas, M. Sabeau and Mad. Belot.

*Nephew of the Pastor and first cousin of the mother of Mr. Petigru.

J'ai toujours eu pour la memoire de mon grandpère la plus grande veneration, et pour les parens de ma mère un sentiment très sincere. Je serais tres reconnaissant si vous vouliez me donner des renseignements sur l'histoire de la famille et la situation dans la quelle elle est a present. Y-a-t-il beaucoup de personnes du nom de Gibert? Dans quelle partie de la France demeurent-ils? Viennent-ils tous à l'église reformée? La famille fournit-elle a present quelque ministre pour la chaise? M. Etienne Gibert de Londres a-t-il laissé des enfans? Et que sont-ils ils devenus?

Sans avoir précisément appris la langue francaise, car ma mère ayant epousé un americain ellene parlait que l'anglais dans la famille je la lis assez courannment—Je suis avocat et demeure a Charleston. Je serais tres oblige a celui de mes parens en France qui me serait l'honneur de m'ecrire, et je repondrai toujours avec plaisir á vos lettres, si je puis vous engager a renouveler la correspondance qui a ete si long temps interrompue entre ceux de la même souche qui sont separe par la mer.

J'ai l'honneur d'etre

Monsieur

Votre tres humble serviteur

Mons:

M. Elie Gibert ayant dirigé qu'on lui ecrit au dessous de votre adresse j'ai puis la liberte de vous envoyer l'encloa; et vous recevrez les remerciements d'un etranger, de l'expedier a lui, si vivant, mais s'il n'est plus, de le remettre a l'aine de la famille.

CHAPTER III

THE PASTOR'S CHILDREN

The Pastor left three children—Louise Guy, six years old, who became the mother of J. L. Petigru; Joseph, two years old, who died a bachelor, and Jeanne, who afterwards married Thomas Finley, and died about 1795.

However unfortunate the Pastor's loss may have been to the colony it was still more so to his family. The widow, unable to contend with her difficulties in the country, removed to Charleston with her three children. In a year or two she married Pierre Engevine. He was born in 1727, at Bordeaux, served his clerkship at Rotterdam, and, after wandering over much of Europe and America, finally settled as a merchant in Charleston. The wife died in 1783, and is said to be buried under the Huguenot church in Charleston.

Pierre Engevine then retired from business and moved to Abbeville with the three small children. The Pastor's house having been burned during the Revolution, he selected a location about one half mile east along the same ridge, a more suitable site for a settlement, and at the foot of the hill there was a spring. This place is subsequently referred to as "Badwell."

The boy, Joseph Gibert, was apprenticed to a saddler by Engevine; but the lad was proud, sensitive and aspiring, and his spirit revolted at what he thought a descent from his father's station in life. During his apprenticeship he found time to study medicine, and at its termination took the degree of M. D.

To obtain the satisfaction of a gentleman for the inconsiderate treatment of Engevine, he challenged him, on his return home, to fight a duel with broad swords. The affair was with difficulty arranged by the intervention of the neighbors.

However, he allowed Engevine a home on the property, where he died and was buried, and has given his name to one of the tributaries of Buffalo Creek.

Engevine died January 28, 1805, and was buried in the family cemetery, near the grave of the Pastor.

On his tombstone there is inscribed:

His memory is endeared to the grandchildren of his wife by every recollection of the affectionate intercourse of childhood with a venerable and cheerful friend.

The two girls, Louise Guy and Jeanne Gibert, grew up on the farm at Badwell in practical seclusion, with only such education and instruction as the affection and care of Mr. Engevine could bestow.

The following description of Louise, the elder, has been preserved and given in Grayson's Memoir:

A brunette with smooth delicate skin, soft hazel eyes, dark brown hair, well rounded figure of medium height, with beautifully formed arms, hands and feet. She was beloved by all the people, and the old surviving Colonists enthusiastically spoke of the Pastor's daughter, as being very beautiful and as good as she was beautiful. She was profoundly religious and combined modesty, dignity and sweetness of temper with a firmness of purpose, which commanded both affection and respect. She attended to the household affairs and her nature was well fitted to the task.

William Pettigrew lived on his farm fifteen miles distant. He possessed many amiable qualities; he was witty, gay, generous and social, combining a love of horse-racing and sport with a love of poetry and books. Without much training he selected with intuitive judgment the standard authors of the day, which he read for both amusement and instruction. On the other hand he was impulsive and reckless, lacked foresight, perseverance and the ordinary commercial instincts.

This charming girl, Louise Gibert, then twenty years old, and the lively and impulsive William Pettigrew accidentally met. They fell in love, were married in 1788, and went to his farm in the Flat Woods on Little River.

During William Pettigrew's bachelor days there lived with him his friend Tom Finley, who owned a neighboring farm. The two intimates were entirely dissimilar in character; they agreed thoroughly only in the love of books. Finley was cold and reserved, fond of disputation and excelling in it; without wit or humor, but admiring it in others; not loving money, but not regardless of it; skilful enough in his management of affairs,

but not too eager in their pursuit. After William Pettigrew's marriage Finley continued to be an inmate of the house. Jeanne Gibert, Louise's younger sister, was a constant visitor. Finley was attracted by her appearance, and, after a short acquaintance, they were married. Finley's farm was quite near and the two households were intimate neighbors. But this happy intercourse was of short duration. Mrs. Finley died in 1795, the third year after her marriage, leaving her son Louis to her sister's care. He entered South Carolina College in the Class of 1813 and bade fair to obtain its highest honors, when, after a short illness in his junior year, he died. He was a youth of most brilliant promise and most popular among his classmates, who erected over his remains a monument in Elmwood Cemetery at Columbia, S. C.

CHAPTER IV

CHILDHOOD; THE FARM AT BADWELL

The first few years after his marriage, William Pettigrew led a happy, easy-going life, devoting himself to his hunting, fishing and horse-racing more than he did to the care of his farm. After a time the farm was sold for debt. In 1800 he removed to Badwell, the home of his wife's brother. Dr. Joseph Gibert welcomed his sister and her four small children to the homestead. He wished his sister to separate from William, on the ground that he could not provide for her wants; but to this she would not consent.

The virtues of the gentle Joseph Gibert are shown by the following epitaph on his tombstone at Badwell Cemetery:

JOHN JOSEPH GIBERT

Son of

The Reverend Jean Louis Gibert and Isabeau Boutiton, his wife
In his third year he lost his father and in his thirteenth his
mother

These early privations not to be compensated
Swept away the hopes that dawned on his infancy
Disappointment also marked the progress of succeeding years
But from limited resources
He spared the means to lay the foundation
for the education of his nephew

JAMES LOUIS PETIGRU

who in grateful acknowledgment
of what he owes to such a benefactor
Places this stone to his memory
Born on this hill and near it
died at Badwell, 18th, November 1817
Aged 46 years.

William Pettigrew had a select library of English classics, among which Dryden and Pope were his favorites. He enjoyed

without measure every passage of wit and humor that appeared in his favorite authors. In teaching his children to enjoy them, he made them read to each other, and established a rule in the house that one should always read aloud while the rest were at work.

French was still as much spoken as English in that section of the country. William Pettigrew came home one evening tired and moody, to find his wife entertaining an itinerant Frenchman. For some time at the chimney-corner he sat silent and morose. The stranger at length endeavored to engage him in conversation with the remark:

"Mais, Monsieur, vous parlez Français?"

"No, sir," replied the other, "I speak no French and very little English."

On the 10th of May, 1789, at the farm on Little River, James Louis Petigru was born, the first of eleven children, nine of whom lived to maturity. He was a vigorous and promising boy from his birth, the joy of his young parents; and, from the gravity of his countenance and invariable good humor, his grandfather, old Engevine, predicted for him the "high-mark."

At five years of age, on being taken to church by his aunt, he amazed his mother by repeating, the next day, almost the whole sermon, word for word.

It was at the age of six, at the funeral of his aunt, Mrs. Finley, that the sensibility and tenderness that marked his nature were first strongly manifested. He wept at the scene so long and so violently as to attract the notice and concern of all the attendants, and when the coffin was about to be let down in to the grave, he stretched out his arms to prevent it, with passionate protestations.

His friends thought him possessed of great quickness of parts, but among the neighbors it was the general opinion that there was something queer about the boy. It was his habit to throw himself on the grass under a tree with a book and become absorbed in his reading. He would walk alone in the woods, mutter and talk to himself, a habit which he retained all his life, and he became irritated if he was interrupted. Though not particularly fond of hunting, he often spoke of being able, with a rifle, to hit a squirrel at the top of the highest chestnut tree, and with great delight he told how bare-footed he waded the rocky

bottom of Buffalo Creek, seeking mussels for his grandfather Engevine.

He became an omnivorous reader and credited Plutarch's *Lives* with giving him the first impulse towards making of himself something more than the ordinary rustic or plowman.

As a boy James Louis was devoted to his mother, and loved her from early life with a deep affection and was her active assistant in the discharge of her household duties. The cares of a large family often kept her up to a late hour at night, and at this time he never went to bed until she was ready to go. He mended the fire for her, he talked with her, he read to her, he lightened her toil by sympathy and all the active aid he could manage to give her. His affectionate nature was never weary in its manifestations of devotion and love and the gentle mother fully appreciated their value.

He was eleven years of age when the family removed to Badwell. He immediately began to work on the farm to the extent of his strength, and from the age of thirteen to fifteen he practically conducted all the work. His younger brothers, nine and eleven years old, worked with him, but were not always so industrious. Finding one of them incorrigible, he administered a sound slap, citing the line, "Such brutes and boys are only ruled by blows."

During such intervals as the condition of the crops would allow he went to school. His first teacher was a wandering Virginian from whom he learned nothing, and of whom he remembered little more than the "barrings-out" of the master by his pupils. He next went to the school of Charles Touloun, an Irishman, who was believed by his scholars to have been a Catholic priest who had violated his vows by contracting marriage. What was more to the purpose, however, Touloun knew Latin and mathematics, and his pupil always spoke of him with regard and respect. Touloun had been a soldier in the American army and died in 1812. His widow engaged Mr. Petigru to recover her dowry in land, out of which she alleged her husband had been swindled. This was probably one of his first cases. Many years after, in a letter written in 1839, he says, "I have not got Mrs. Touloun's money yet."

Badwell occupied a large place in Mr. Petigru's affections throughout his entire life. With the first money he earned

teaching school he built there a house for his mother; there, subsequently, his sister, Mrs. North, resided, and with various additions it became the general hive of the family. The house was on the side of the hill and faced south. On the opposite ridge there was a fine grove of native oaks and chestnuts. The view down the small valley to the southwest showed some clay hills scarred with gullies and in the distance some stunted trees. The spot has no charm but to the eye of loving appreciation. Mr. Petigru was indefatigable in trying to beautify the place which to strangers had no beauty in it. Here he loved to pass his vacations, and when he got on his summer clothes, with most wonderful coat cut in continental style, his face showed all the happiness of a small boy with his first pair of boots; and he would immediately sally forth to the work where he labored with axe, pick or shovel. For over twenty-five years his letters show his indomitable earnestness and determination to prosecute his improvements in spite of innumerable delays and disappointments. It is estimated that his various expenditures on Badwell must have been about \$2,000 a year.

The first enterprise of Mr. Petigru at Badwell was the effort to obtain good water. According to tradition a divining rod man located a favorable spot for a well, which being on the top of the hill would require considerable depth.

In 1837 the well was commenced and after passing through fifty-five feet of clay a dike of green stone was reached and a moderate quantity of water was obtained. To get lining for the well a quarry was opened at considerable expense, but the miners reported that the granite was too hard to work; so rock was obtained elsewhere.

In 1849 the water in the well had lost two feet in depth and was "neither as good nor as cold as it had been." For the next few years various "experts" worked at the well without success.

In 1857 Mr. Petigru, by the advice and assistance of his friend Major Welton, who had sunk the artesian wells in Charleston, obtained all the appliances for sinking an artesian well and an experienced operator. This man erected a horse whim derrick and installed the plant. After drilling three or four feet the drill stuck and was broken off. The following year a second operator was procured. After a few weeks his drill also stuck, the screw broke, and all efforts to extract it were unavailing.

To encourage the men at work on the avenue, the well, and the various enterprises, Mr. Petigru was accustomed to send up each year a barrel of whiskey and a barrel of ale. From bills of 1858 it is found out that whiskey cost 45 cents a gallon, or \$15.75 a barrel, and a cask of lager beer cost \$18.00. These barrels were placed in the storehouse. Andrew, the negro foreman, kept the key, and was ever ready to both give and take a dram for the honor of the place.

In February, 1861, Petigru wrote: "I fear that our miners are going to make a long job of the well. The stone is very hard * * * there is no reason to give it up. Nothing must be allowed to stop us unless the water threatens to drown the workmen by coming so fast. Keep them to the point till they get through the rock. Badwell seems like a hard road to travel; the soil is stiff, and the rocks not only hard but deep, and water is not to be had without much pains and endurance."

Mr. Petigru's last visit to Badwell was during August and September, 1862.

At this time the well had attained a depth of seventy-one feet. The last sixteen feet was driven through hard green stone by the German miners. Mr. Petigru was unable to "go to the other side of the rock," because it was impossible to obtain powder and fuse. Fortunately a stream of good water was struck, and after 25 years of struggle the well at last maintained a depth of eighteen feet and has done so ever since.

The spring house, the sun-dial, the white oak avenue and the purchase of additional land occupied Petigru's interest up to the year of his death.

From Charleston, July 19, 1842, he writes his sister, Mrs. Jane Petigru North: "While your hand is in I advise you to have a dairy of stone to take in the old spring."

A letter dated September 30, 1844, shows that he had conceived the idea that the spring should be inclosed in a granite basin, or what he called a "fountain," and a house erected. On September 7, 1850, he writes: "The fountain and the avenue I will never resign. I beg you to make no arrangements that do not look to them as the great works of the place." The date over the door shows "1851."

June 29, 1852, he writes: "Your last letter gave me real pleasure. That the fountain is in operation and does not disappoint

our expectations is something to console one for many disappointments, and the failure of the acorns and magnolias is not a small one."

On July 24, 1845, he wrote: "It has occurred to me that there is a great defect in the absence of a dial in the country. Do make Shannon get out a piece of granite about two feet square, and at least three feet high above ground. I will get the dial while in the North."

Four years later a plinth of granite, nicely bush hammered, fourteen inches square and three feet above the ground was obtained. In the autumn of 1849 James Johnston Pettigrew, Petigru's cousin, by employing plumb bobs and sighting on the north star in the usual method, adjusted the gnomon to the true north. It still remains at Badwell.

In 1843, though then heavily in debt, Mr. Petigru conceived the idea of making an avenue of white oaks for the decoration of Badwell and as a memorial to himself. His letters for the next twenty years show how, in the face of many disappointments, he earnestly carried on the enterprise.

The avenue was perfectly straight and extended for a mile. Trees were planted on either side fifty feet apart; the roadway was thirty feet wide, and as it was free from rock, and the greater portion level, it was only necessary to ditch, remove roots and boulders, and surface up. Although the roadbed was of clay, being well drained, it answered all the conditions which the traffic required. In the course of three years it was completed; and as it advanced men were employed to transplant white oaks obtained from the woods, and where the ground was suitable laurel oaks, red oaks and willow oaks. Minute directions were given as to these operations, but many of the trees failed because they were suffering from injuries before they were transplanted.

In November, 1846, he engaged an Englishman to plant the avenue.

TO MRS. JANE PETIGRU NORTH

5th January, 1847.

I do not believe that you and Mary will like my sending up a gardener to plant more trees. But consider that it is my weakness, and the very thing, therefore, on which I need indulgence. Besides, if you wish Badwell to possess attractions for me over and above what I feel in your affection, nothing is so sure to lead

me there as the desire of seeing my trees. Therefore, my dear child and children, I do hope you will admit Mr. Barclay, a Scotch gardener, recommended by Bainbrook, to the privileges of the kitchen and set him at work. I think old Tom will be a sufficient help for him, and if you can spare Andrew sometimes, that he may catch something of the art, I would be glad. For, really, the planting business is expensive, and we ought to know of it ourselves by this time. But by no means let Guilfoyle go near the trees. I believe they would perish if he looked at them.

He repeats his directions as to planting, adding "not only to make the holes large but to supply plenty of rich mould and to pour in at planting a great deal of water"; also directs "old Tom to gather acorns of white oaks to be placed in a tub with moist sand and kept in a warm place for planting in the spring."

In September, 1851, he says: "The loss of the crop is a great trial and also the loss of my white oaks, but we will buy corn in Augusta and forget the crop that was lost. In setting out an avenue at the age of 60 the loss of a year is almost irreparable."

January 8, 1852: "Cause the acorns to be planted at once. They are to be put in the ground a foot apart with the point uppermost. I was wrong to think of putting it off till March. Let this matter claim your special attention, my sister. You know that we no longer enjoy the privilege of the patriarchs, who could see the trees they planted at 100 attain their full growth. So contracted, indeed, is the space of modern existence that unless these acorns are put in the ground at once there is great chance of their being too late for me."

A portion of the nursery planted at this time is now a beautiful grove of white oaks, as straight as saplings, and some of the trees over two feet in diameter.

January 29, 1852, he says: "Do not allow the little nigs to forget that their hands were given them principally for the purpose of pulling weeds; and my dear sister let not those odious gullies, which I was so anxious to fill with fascines, deform the side of the hill, nor suffer the terrace to go to decay."

In July, 1852, he sends two "Cedars of Lebanon" with instructions for planting; he had set out some live oaks, and says, "I hear nothing of the live oaks; I hope they are still in the land of the living, and that this disappointment with the fountain is the chief mortification that I will have to endure in respect with my Badwell speculations."

November 8, 1853: "Though your letter does not give a very flattering view of the crop, it contains assurances much more agreeable of the fine plantation of acorns that Daddy Tom has set out. I hope we will live, some of us, to bask in the shade of the trees. You must not be too exacting nor expect from Rodgers more than is suitable to his degree. And when a person that we pay falls short it is well to consider how much worse he might have been."

February 27, 1855: "I am glad that you planted the pine mast and hope some will come up. But, my dear Jane, above all things, mind my nursery of oaks. They need manure; let everything give way to them. No matter if you lose the crop—let us secure the fruits of the acorn. Those in the garden require manure as much as any. Now do, my dear, don't be stingy, but spare labor and time to apply the proper remedy against the poverty with which they are threatened. * * * I am sorry Magrath has planted no trees. I wish somebody would think of earning a little money that way. I would pay willingly if it was for only one."

TO MRS. JANE PETIGRU NORTH

Charleston, S. C., June 16, 1856.

My Dear Jane:

For tho' I have had a bad cold and the worst cough that ever laid siege to my poor tenement, yet for much the greater part of the time I have been mending; nor have my interruptions or troubles excused the ordinary feelings and bother that I am used to. Perhaps more is due to the said contents of that letter—the depressing news of the destruction of those trees that had been reared at so much pains and cost and were regarded with such pride as the future memorials of our time. That fire has caused me much grief and it ought to suffuse a blush of shame on the sable cheek of every man and woman of the Badwell tribe. Nothing is left now but to press the growth of the seedlings in the garden and the patch, and give them manure and loosen the ground. Unless this is done I fear neither Daddy Tom nor I will live to see the avenue protected by their foliage at midday from the rays of the sun.

It is unfortunate for Felix that his character suffers by this casualty, whether justly or not. I hope he has had one flogging and if I was sure it should prevent all such accidents for the future I would give him another as soon as I got to Badwell.

* * *



"WHITE OAK AVENUE"

(Facing 24)

TO MRS. JANE PETIGRU NORTH

December 23, 1856.

This missive will be handed to you by Richard Ready, a native of Dublin, bred, as he says, to landscape gardening. Now, I know you will hate to see him. I admit it is an annoyance to you and to Aunt Mary and to Minny, too, I dare say. But my sisters and children, you must take the bitter with the sweet. I know you like to have your brother and uncle with you at times and this is the price you pay for his company. If the avenue were abandoned, though I will not say that the place would have no interest to me (for, while you were there that could not be), yet, it is certain that one great attraction would be removed. Submit, therefore, to the condition that is laid upon your fraternal and filial affection, and give Richard Ready a friendly reception and set him to work with Guilfoyle and one hand and a mule and cart when needed. * * *

If Ready can be accommodated in Phil's house or the overseer's, it is well; if he can not let him be boarded at my expense. * * *

Mr. W. J. Grayson says: "The last letter I received from him was in July, 1860, in which, writing from Badwell, he complains of some atrocious mutilations inflicted on certain over cup oaks, the delight of his eye, by some vile African who had dismembered the oaks to promote the growth of a negro patch of corn and pumpkins. He declares in the language of some Latin author, that something monstrous is always produced by unhappy Africa. What rendered the outrage more intolerable was that he attached the names of his friends to his trees, and was forming of them a sort of arboraceous gallery of portraits. This tree was Allston, that one Huger; and the black miscreant with an axe as an instrument, had been operating on the limbs of his friends and amputating their arms almost before his eyes. It was at this time that he sent his servant Hamlet from Abbeville to the city to obtain, among other necessities, a cork oak propagated from Spanish acorns which I had promised to give him. It was a hot dry week in July that scorched everything growing, but he trampled on impossibilities in pursuing additions to his avenue."

TO MRS. JANE PETIGRU NORTH

Charleston, December 24, 1860.

My Dear Jane:

It is a comfort to know * * * that Tony has already planted the magnolia seed and that he will in good time, do the same by the pine mast. The Parkinsonia, I am afraid, will not stand our cold winds. But the Cardiospermum is a climber that Prof. Gibbs says is well-nigh domesticated in our country; as he says he has seen it growing by the roadside in some places.

* * *

February, 1861: "I am glad to hear that the avenue is under the treatment of Toney (Brown). I praise him and Jake; but let them take care that praise do not turn to blame; as it will do if their planting falls behind that of Marcus and Toney last spring. If it equals it they shall have praise and pudding too."

May 14, 1862: "The cork tree gratifies me heartily, and I hope it is not the only branch that is putting out new leaves. Though you do not mention it I take it for granted that Harvey applies the water cart night and morning."

December 15, 1862: "Harvey and Toney must not forget that next month it will be time to think of the avenue, and have each spot occupied by its own tree; the avenue, my only chance of going down to posterity, will hardly be finished in my lifetime."

February 13, 1863: "I hope the avenue is in good hands; I wish they, that is Harvey, Titus and Toney, would set out as many layers as you can get from the *morus multicaulis* in the garden."

Two days before his last visit to his office he writes as follows: "February 13, 1863. It is my request that Titus and Toney set out cuttings of *morus multicaulis* as far as they can."

The sentimental duty to buy back the land in the vicinity of Badwell that had once belonged to his venerated grandfather, the Reverend Mr. Gibert, grew to be a mania with Mr. Petigru, and though still in debt he would often cramp himself to buy land.

In 1847 he bought two small tracts. In 1848, after much negotiation, he bought a portion of the land of Squire Collier at the appraised value of \$3.00 an acre. He had a most exalted idea of the value of Abbeville land, and writes: "It is a sad sort

of game when one buys a neighbor's land for less than it is worth, for it shows how his land will go when he is gone." In February, 1849, he paid to the agent \$2,050, the purchase money for his portion of the land. He goes on to say: "I think we ought to be very happy in being able to walk on our own land, which is recommended by the professors of the healing art as the most wholesome exercise. Fifty-one years we have been on Badwell, which when we came was a very small affair and showed how the stream of our grandfather's power had shrunk to contracted limits. And now we have spread from the road to the river. I wonder if another generation will keep the ground that we have so toilfully maintained for half a century. But it is not probable that after us anybody will care for the local associations that we feel so strongly. Yet we will leave them some recollections of us in the avenue and the well, if nothing else. I am afraid it will be a long time before I will be able to carry into effect that dream of a stone cottage* on the brow of the hill, for the new office will leave me as poor as a church mouse. You are mistaken in supposing that I have got into it. It will be some time yet before I can say so."

*Chapel and school house on the site of the Pastor's residence.

CHAPTER V

SCHOOL

There was at this period the academy of Dr. Moses Waddell at Willington, ten miles from Badwell, a grammar school of great eminence throughout the State.* How James Louis Petigru might be sent to this school was a subject of anxious consultation with the household. How should the expense of board, lodging and tuition be defrayed; how could the assistance of the bread-winner of the farm be dispensed with; how would the family be able to spare one who was the life and soul of the house?

The decision reached was the result of a chance meeting with Dr. Waddell in 1804. He was attending a meeting of some kind near Badwell, when some one attempted to relate to the Doctor an event which he had read of in a Charleston paper. The narrator was making bungling work of the story, when Petigru, who was standing near, said to the Reverend gentleman, "Sir, the affair was after this wise," and went on to tell the tale in a clear connected manner and in well-chosen language. The doctor was well pleased with the performance, patted the lad, and said to him, "If I had you with me I would make a man of you."

He was sent to Willington forthwith. His return home every Friday evening was a jubilee to the house, anxiously looked forward to by all parties, and especially by the younger children.

A letter to his daughter, Caroline Carson, fixes the date of his going to school:

TO CAROLINE CARSON

Summerville, October 14, 1862.

This day, my dear Carey, marks an important epoch in my life. This day fifty-eight years ago, I was received into the school at Willington, to which I was conducted by my poor Uncle Joe, where a Latin grammar as a substitute for the plough was

*Dr. Waddell, born at Rowan County, North Carolina, July 29, 1770. Died at Athens, Georgia, July 31, 1840. For a graphic description of Dr. Waddell's school see Longstreet's Romance, with too much "moral," "Master William Mitten."

placed in my hands. Of those who then formed the busy occupants of Dr. Waddell's hive the only survivors that I know are Louis Gillmer and Alexander Bowie. Time has effected many changes. A chapter of accidents has contained many sad stories and the last and the saddest, the Revolution now in progress.

YOUR FATHER.

The Willington school was a sort of Eton and Rugby of American manufacture, and the doctor at its head, the Carolina Dr. Arnold. He had great talents for organization and governing; his method appealed to the honor and moral sense of the pupils. They were not confined with their books unnecessarily in a narrow schoolroom; the forest was their place of study; they improvised shanties of brush where they prepared their various lessons; the horn called them at intervals to change of occupation, the sound was repeated from point to point and the woods echoed with those sonorous signals for recitation or retirement. When cold or wet weather drove the students from the woods, log-cabins in various quarters afforded the requisite accommodation. Their food was Spartan in plainness—corn-bread and bacon; and for lights, torches of pine were more in fashion than candles. Monitors regulated the classes and sub-division of classes, and preserved the order and discipline of the institution with the smallest possible reference to its head. It was a kind of rural republic with a perpetual dictator. The scholars were greatly attached to the school and after they had become grandfathers they yet talked of it with enthusiasm.

The school of Dr. Waddell was indeed a nursery of genius and its reputation drew scholars from all parts of the State—from the mountains, parishes and the city.

There went in turn, Calhoun, Harper, the Wardlaws, McDuffie, Legaré, Grayson, Longstreet, and a host of other lesser lights.

The shy and awkward boy met with little favor from the master. The rustic appearance of the new scholar was a subject of remark with the young patricians, the wearers of broad cloth and fine linen. They attacked the stranger in home-spun with annoyances which school-boy malice or mischief so promptly supplies. James's first experience of school life was painful enough; he found he must beat his competitors with both head and fist; but endowed with an uncommon strength of body as

well as intellect, he soon established his position. The new-comer was driven from the open places of resort by the devices of his companions. It was a great trouble to his social and cordial nature, and with a heavy heart he retreated to one of the huts where he applied himself to his grammar. Presently he felt a smart as if something had stung him. He sprang from his seat and found that one of his tormentors, a boy named Ramsey, from Beaufort district, had inserted through the opening of the log-cabin a long stick burning at one end and applied it to the seat of his trousers. This was too much; the book was thrown to the ground and the injured party rushed on his assailant; a desperate fight ensued in which after a severe struggle the offender was beaten. The next day a court of sessions was held in the school-room. The rules of the institution prohibited fighting. Its rights had been violated and the two boys were ranged before the Doctor to show cause why they should not be punished for their infraction of the law and their contempt for authority. The persecuted party told his story fairly and manfully. He had a talent for stating a case; he mentioned his provocations, his forbearance, his efforts to avoid the wrongs to which he had been subjected and the final injury which had exasperated him beyond all self-control. The defeated culprit had nothing to say. The reverend judge inflicted the same punishment on both boys with the most scrupulous exactness—the wrongdoer and the wronged fared alike. Petigru felt the injustice far more than he did the punishment and ever afterwards referred to it with emotion. It was an offence, not so much against him, as against the cardinal virtue of justice which he revered all his life. The effect of his manly conduct throughout the adventure had the result of placing him in the school in his proper position, and his assiduity and his ability secured a place speedily in the highest rank.

Dr. Waddell, though a rigid dominie of the old school, was nevertheless sufficient of a courtier to wish his rich birds to make the finest showing, and was proportionately provoked when his eaglets would soar up from out of the homespun ranks, as most of them did.

On a great day of exhibition, when all the patrons of the school were assembled, and James was quite overlooked, when the reading came to his turn, he pronounced very deliberately that there

was a word wrong in the text—there was a fault in the Latin; Cicero never wrote it so. Dr. Waddell stormed and the boys scoffed, but James stood to his assertion. Another edition of Cicero was at last brought out and the boy was proved to be correct. From that day the school treated him with great respect and Dr. Waddell began to pride himself upon his pupil.

That his attainments were remarkable may be inferred from the fact that the master of the school proposed to him that at the end of three years he should take the place of the assistant teacher.

When Mr. Petigru was married in 1816, Dr. Waddell performed the ceremony. He always treated his old tyrant with every respect and the old man came to believe that he had been the most affectionate and wisest of masters. When he died Mr. Petigru was invited to deliver a eulogy upon him. This he did, with a mixture of quiet humor and pathos most interesting; but on account of his emotion he could not continue to the end. A further tribute to his old teacher was paid by Mr. Petigru in closing an oration delivered before the Phi Kappa and Demos-thenian Societies of the University of Georgia, August 6, 1846:

Let him therefore, my young friends, that would show that his mind is indeed imbued with the sentiments which a liberal education should inspire, be worthy of the civilization of the age, and seek to extend its benefits. Let a spirit of benevolence govern his aspirations, and reserve his admiration for the benefactors, not the destroyers, of mankind. And in choosing his walk in life, let him so cultivate his mind as if private life was to be his destiny, and accept of promotion or office, as accidents.

Nor can I dismiss this topic, without recalling the virtues of one, whose life exemplified his doctrine, and who taught what the wisest and best of men in every age have inculcated. It is not without emotion that I reflect that my venerable master long presided over this institution; and my mind delights to recall him as he was in days long past, the example of a conscientious laborer in the cause of truth and education. The civilization of his age and country may be said, in some degree, to be indebted to him, for he carried the lamp of learning to a distance from the crowded seats of men, and exerted an influence in favor of education that was widely felt. A devout minister of religion, he extended its benefits to the poor; a priest without avarice or ambition, he fed his Master's sheep with no mercenary hand; kind, without weakness; devoted to learning, but still more devoted to virtue—he trained his pupils to place the pride of intellect far below the value of moral sensibility.

To the virtues that he taught and the discipline acquired in his school, are many indebted; and some there are, whose hearts will not receive, unmoved, the impression of his name, when the cause of education and the mild dignity of private life recall the memory of Moses Waddell.

CHAPTER VI

COLLEGE

In December, 1806, James Louis Petigru entered as a sophomore at the South Carolina College. His class graduated in 1809, being the fourth class to graduate since the opening of the College in January, 1805. At that time the buildings had not been completed, nor the walls, which for many years after surrounded the college campus. The first president was the Reverend Jonathan Maxey, a Baptist preacher, a native of Attleboro, Mass., who had been president of Brown University in Rhode Island, and Union College, Schenectady, N. Y.

To enable James to go to college a part of the funds was furnished by his uncle, Joseph Gibert, but the larger portion he borrowed himself from his neighbor, "Squire" Collier. From his first earnings as a schoolmaster he repaid the debt, but having sent the money by mail it was lost and it had to be paid the second time. The "Squire" died in 1845, when Petigru was at the height of his reputation. He placed a handsome marble slab over the remains, with a most appropriate and beautifully simple inscription:

H. S. E. ·

EDWARD COLLIER

A native of Lunenburg, Virginia

Once Master of these Acres

Son of Cornelius Collier and Elizabeth Wyatt

Of five sons they gave two

To the Noble Army of Independence

Wyatt who fell at Eutaw and

James a gallant rider in Pulaski's troop

To the memory of the honest Man

Careful of his own

Without infringing on others

Of mild temper and sterling courage

A Humane Master and

A Good Neighbour

This stone is inscribed

By a Neighbour

Nat. July 1765

Obt. May 7th, 1845

In order to obtain further means necessary for his support Petigru secured a position as teacher in the Columbia Academy, for which reason he was permitted to live outside the College grounds. Even thus he was forced to practice the greatest economy. Eating but one meal a day, he was barely able to supply himself with books and clothing during the college term. The narrowness of his circumstances forced him to decline more than one hospitable invitation, a sacrifice especially severe to one of his genial nature and joyous temperament.

The Academy became one of the land-marks at Columbia, and this old dilapidated building, surrounded by grand elm trees, was in after days with pride pointed out by the citizens of Columbia as the place where James Louis Petigru taught school. It was torn down a few years ago.

He read with the greatest rapidity, his eye being able to take in a whole page at a glance; he devoted himself to his studies; nor did he confine himself to the college curriculum—the whole range of literature and belles-lettres engaged his attention. The classical poets were with him as household words, and an extraordinary memory enabled him often to quote the minor poets which he had not read since boyhood. Plutarch was always an intimate friend, and he would often jokingly credit the clever old Beoetian for some ingenious invention of his own.

Grayson speaks of the entire night spent by them both in the keen enjoyment of the wit of Rabelais. James was especially fond of poetry; his taste was formed between the works of Dryden and Pope and he was ever ready with an apt quotation. He resented the fashion of decrying the old English classics.

One of his fellow-students in the room adjoining wrote some verses disparaging Pope and left them on the table. Petigru found the criticism where it was lying, and forthwith wrote his comment on the poet's performance in corresponding verse.

Grayson gives it from memory after a lapse of more than half a century:

"Pity that scribblers should aspire
To write of Pope without his fire;
To criticise in witless lines,
The wit in every page that shines;
To chide, in verses dull and tame,
The poet's verse of endless fame;
His taste assail in tasteless strains,
And earn a Dunciad for their pains."

He formed no bad habits at college and he would neither chew nor smoke tobacco. In later life, when describing the gradual fall of a young man, he would say, "He would go to the country-shop instead of ploughing, sit on a dry box whittling a stick and talk gossip and politics, and finally he would take to smoking a pipe." This seemed to him the abyss of degradation. However, in later life he took kindly to the gentlemanly vice of taking snuff, a habit which gradually grew upon him.

He had no taste for active sports or exercises and was unwilling to waste time in their pursuit. This did not proceed from want of alertness or vigor, for he was an exceedingly strong and active man.

There were two qualities in which he was absolutely deficient: an eye for color and an ear for music. He was exceedingly ambitious to excel in the accomplishment of dancing but his success bore no proportion to his efforts. His mode of dancing, like his mode of talking and acting, was peculiar to himself and was sometimes very much more hearty and original than graceful, so that it forced a smile from the ladies who danced with him.

He graduated in December, 1809, at the age of twenty and received the first honors in his class. To George Bowie of Abbeville, his old school-mate, who afterwards removed to Alabama, was awarded the second honor.

It was at this time that he put into execution a design he had long thought of, which was to change the spelling of his name. Having a strong leaning to his Huguenot parentage, and his father's family holding the tradition of having come to Ireland from France, he adopted the French spelling and all his brothers and sisters followed him and adopted the change. In after years, however, he regretted the alteration of the patronymic.

On his return home after graduation he found that the narrow fortunes of the household had become narrower still. Debts had been contracted; the old farm, his birth-place, had been taken to satisfy some of these; and the negroes had gone to pay others. His Uncle Finley, whom he consulted, advised him to remove to some new country and sever himself from the falling fortunes of his family. "I will never desert my mother," was his reply. "Then you will all sink together," was Finley's answer; "ruin is inevitable." He was stung almost to madness by these cruel words, the more so, perhaps, as he recognized their truth.

His strong and passionate nature was stirred to its depth, he was almost in despair and would gladly have welcomed some sudden convulsion of nature that would snatch them all away from the fate which seemed to await them. Strong and vigorous as he was, every channel for the immediate relief of the family seemed to be barred. The only opening that appeared was that he should resume the plough and work the farm. Telling his mother of this determination, the usual, calm, firm spirit of the Pastor's daughter asserted itself and she would not hear of this sacrifice. She cheered and encouraged him and advised that he could best assist his home by leaving it to go where fortune invited.

CHAPTER VII

TEACHING SCHOOL AND READING LAW

He decided to try his fortune in Beaufort district. Influential friends secured a school for him in the lower part of St. Luke's parish on the Eutaw, near the Baptist Church, which he made his school-room. Under the guidance of Mr. William Robertson of Beaufort district he commenced the study of law, and for his support he taught school. While engaged in this double scheme for the present and the future, he boarded in the family of the Reverend Dr. Sweet, the pastor of the church.

He remained in charge of this school for about six months and then removed to Beaufort.

Beaufort is situated on a high bluff overlooking the bay at the head of St. Helena Sound and is one of the most picturesque little towns on the Atlantic coast. It was always a residence of some of the wealthiest and most cultivated people of South Carolina, and a summer resort of the planters of the adjacent plantations.

At Beaufort a college was organized in 1795, but the corner stone of the building was not laid until 1802. It had a board of trustees who furnished their ideas on education, and although the institution had the power to issue degrees, it never rose higher than an academy. The rules were stringent; two vacations a year of four weeks each; the summer hours for the school were from six to eight and from nine till twelve in the morning, and from one till five in the afternoon.

On July 10, 1810, Petigru was appointed assistant at a salary of nine hundred dollars per annum, and in 1811 he temporarily succeeded to the presidency at the resignation of the incumbent and was allowed an increased compensation. He discharged with zeal and ability the duties of the whole school. The teacher became a favorite with all parties, with the inhabitants at large, and with the boys, who delighted in his genial humor that lent itself readily in play-hours to their amusement. Stern as a Turk in upholding the laws of discipline, he sometimes resorted to the most decisive modes of enforcing them. He had small patience

with dunces, and one stupid fellow provoked him so much one day that he kicked him out of the door, and when the chap roared and rolled on the ground, Petigru went out and kicked him in at the window. But he was usually as joyous as one of the boys, and when the hour of study was over he would sometimes spin tops or play marbles with as much glee as any of their number.

At the end of the year 1812 there was an election for the presidency of the academy; Petigru was a candidate for the place. Mr. M. L. Hurlbut,* of New England, was elected and our rejected candidate went back to St. Lukes and the law. It was some time before the Trustees could find a suitable person to take the assistant's place, so Petigru remained in the college some months longer. He and the president were strangers to each other's character, and according to Grayson an incident occurred which endangered their amicable relations. During the time that Petigru acted as president he had used an arm-chair of his own providing, and it was left in the principal's room. He wanted it in a day or two, and sent a boy to bring it. The messenger returned, saying that the president refused to give it up. President Hurlbut had not yet learned his subordinate's nature; impatient always of personal wrongs and prompt to resist them he would have given a dozen chairs at a word of request, but lawless authority or injustice he would not tolerate. The assistant strolled into the room, shouldered the chair, and marched off to his own quarters in a manner too significant to be mistaken. It was a revelation of the man that Mr. Hurlbut never forgot. The president was an estimable man, and the assistant was frank, placable and ready to appreciate merit, wherever he found it; friendly relations were soon established, which continued ever afterwards between the descendants of Mr. Hurlbut and those of Mr. Petigru.

Mr. Petigru was wont to say that if he had succeeded in the election for the presidency of the Beaufort College it would have

*He and the Reverend John Morgan Palmer, rector of the Circular Church, married daughters of Captain Jared Bunce of Philadelphia. He was father of Stephen Augustus Hurlbut, Major-General of the United States Army, and a member of Congress from Illinois; by a second marriage father of William Henry Hurlbut of the *New York World*, and of George Hurlbut, Secretary to the American Geographical Society.

fixed him in the occupation of teaching and changed the whole course of his life. What the youth of the State, of the country, and English literature lost can never be estimated. He became a great lawyer, perhaps the first common-law lawyer in the United States, but as a literary man and the president of a university he might have been still more distinguished. His tastes lay in that direction. There was a great deal of real truth in the remark he once jestingly made: "I have a mind to take to lecturing. I would rather undertake to teach the boys than the judges." To a friend, who in after years spoke of having his son study law, he replied, "If you have a son who is a fool, bring him to the bar." The engrossing duties of his profession and the pressure of misfortune left him no leisure to indulge his literary tastes. In the evening of his days, speaking of his natural inclination for literature rather than law, a gentleman asked why he had not gratified it. He replied by quoting the first lines of Gray's ode:

"Daughter of Love, relentless power,
Thou tamer of the human breast."

The querist, who was not a man of letters, was as wise as ever; but there were others by who appreciated at once the delicacy of the reply and what it cost to make it.

CHAPTER VIII

SOCIAL LIFE AT BEAUFORT

The friendship of Judge Huger for Petigru rendered his introduction into the best houses in Beaufort easy, and his wit and vivacity soon made him a favorite with all who knew him. In his will he says: "The portrait of my friend and early patron, Judge Huger, I leave to my dear wife, who shares with me the affection which I bear to his family."

One of the wealthy houses at which he became intimate was that of Mrs. Heyward, widow of Judge Thomas Heyward, of Whitehall. He derived great benefit from her conversation and from the use of her library, and a friendship sprang up between himself and her son Tom.

It was at a large dinner at this house, at which an old General of the Revolution and other distinguished guests occupied places of honor, that he and Tom Heyward sat at the lower end "below the salt." The conversation among the elders was witty and humorous, but had, to say the least, no false delicacy about it. An occasional broad phrase in the fashion of the time reached and tickled the ears of the juniors. When the guests had gone Mrs. Heyward rather embarrassed her young friend by asking him what he thought of the talk at her end of the table. "Why, Madam," said he, with some hesitation, "I thought it rather salt."

In writing of Mrs. Heyward he remarked: "In truth she is a wonderful old lady, a *rara avis, in terris*, and has with the garrulity of a woman all the ideas and language of a man." To this wonderful old lady he wrote verses which unfortunately are not preserved.

In after life he occasionally quoted a remark of Tom Heyward's: "Whatever parties may exist in a country and under whatever name they may go, there are always two aristocracies—the aristocracy of talent and the aristocracy of wealth. You [to Petigru] belong to the one and I belong to the other."

Another place at which Mr. Petigru was a frequent guest was

the plantation of Mr. Neufville, Rocky Point, on Graham's Neck. Mr. Neufville was an accomplished man of the world, loved wit and vivacity and was noted for a duel in which he had out-manœuvred Boone Mitchell, who was rated as the most expert duellist of the time. A challenge passed between them; but fortunately Neufville's seconds understood the teaching of the code that more principals are killed through the ignorance of the seconds than by the weapons of the adversaries. They arranged that the principals should be placed at the usual thirty paces apart and at the word should advance and fire at any time until the distance of ten paces was reached. As they had calculated, Mitchell reserved his fire, but Neufville fired at the word and was fortunate enough to disable the pistol arm of his adversary. Mitchell still grasping his pistol, supported it on his left arm, fired and missed his man.

On the grounds of the Neufville plantation the aloe grew in great profusion and one of the amusements of the young people was to carve their names and write verses on the large, thick leaves. A Miss C. remarked that the plants were more fruitful in wit and poetry than in flowers. Spurred by this remark young Petigru improved the occasion by producing some verses of his own, a copy of which he sent to Grayson.

THE ALOE

"Though bitter the aloe, 'tis pleasant to gaze
On a plant of such wonderful birth,
That blossoms but once in the limited days
Allotted the children of earth.
And such, lovely maid, is the passion I prove;
Yet, ah! it depends upon you,
Whether, doomed to endure like the aloe, my love
Must be like it in bitterness too."

"How do you like that?" he asks. "Short and sweet, ay! Epigrammatic, forsooth! Tell me your opinion. I suppose you think that Tom Moore has reason to complain of the first stanza. Do you think it so near a theft as to be actionable?"

The stanzas met with favor from the lady. They were more fortunate than a sonnet which Petigru finished with great care and submitted to the critical judgment of the *Courier*. It was rejected on the ground that the metre was too imperfect for publication. Mr. Petigru used to say that this was the greatest mortification of his life.

"The verses," he said, "may have lacked the divine afflatus, but their English construction was perfect."

He, however, continued to write poetry and amused himself by attempting to imitate the measures of various poets, as the following letter shows. It is a little lofty to be addressed to a young lady of seventeen, and to one who knew them both it is rather a puzzle which to admire most, his youthful enthusiasm or his adroit flattery and irony.

The lady to whom he addressed the poem on "The Aloe," "Miss C.," who, as Grayson gently insinuates, received his poem but declined his addresses, was Miss Chisolm. She is again referred to in this letter and it is a fact that though she twice rejected his addresses before he met Miss Postell* it was never considered a very serious affair.

TO MISS JANE AMELIA POSTELL

Beaufort, Aug. 25th, 1812.

There are two things I believe firmly: I believe with Sir Isaac Newton, that the eyes were made to see with, and I believe with the rest of the world, that pens were made to write with. As the eyes are never more riveted to their duty than in gazing on a fine lady, so there is nothing generally written with more alacrity than a letter. I think I am, myself, an example to prove this remark, for here I am writing most gravely to Miss Postell, because she said in a jest that I might do so. Now, were I called on to account for this partiality, that people have for writing letters above anything else, I would give these reasons: In the first place, such compositions are submitted, in general, to a more favorable tribunal than any other. Very likely Mr. Crafts has often written to his friends many duller things than his parody of Gray's Bard, yet no one ever blamed him for it. But as soon as anyone makes the world his correspondent, he can no longer be dull with impunity. In the next place, an epistolary writer has a great advantage in this: that he is pretty sure of being read. A distinction which, many who publish sermons, and many who write philosophical systems, never had the good fortune to attain. To be read is indeed the prayer and aim of everyone, that aspires to the name of a writer. How happy then is he, who scribbles letters, under the assurance that he shall not be without this honor; after which epic poets and historians have strived in vain! That people are very tenacious on this subject, may be well shown by an anecdote. Lord Ossory was a bosom friend of Dean Swift, and was left his executor by him. He was

*Letter of Caroline Carson to J. P. C.

engaged in discharging this trust with great tenderness to the Dean's memory, when unluckily, one day, in examining the papers of the deceased, he found a letter from himself, with the seal unbroken, on which was written in the Dean's own hand, "This will keep cold." My Lord's friendship, in a single moment, was converted into rage, and he immediately set himself to write a history of the Dean's life, for the sole purpose of traducing and vilifying his character. See then the laws, as far as I have been able to ascertain them, that prevail between those that write letters; they may be summed up thus: To go uncriticised, and to be punctually read. Can you then be surprised, that I should write to you, or that letters should be a favorite way of writing? Do you recollect that I was to write some verses on Laura? Here they are:

TO LAURA

Sweet image of Saints, that repose
Where anger and strife never come!
Whose looks, like a mirror disclose
The charms, that in Paradise bloom.

Sweet Laura! how placid the dream,
That holds thy young being in trance;
Untroubled you glide on the stream,
And passive and harmless advance.

Those eyes, that with pity shall melt,
Or smile, with attraction to bless,
Now lambent and gazing unfelt,
Nor sorrow, nor joy can express.

Thy morning 's begun and is fair;
Thy lot 's with the tender and good;
And O! may thy day be as clear,
Nor sorrows to cloud it, intrude.

I hope Miss Laura will be instructed to recognize in me her first admirer and poet. I have taken the verse of Shenstone for my model; a measure that I was always fond of, but never attempted in practice before. By the way I ought to ask you if you are fond of Shenstone, and to beg if you have not done it before, to read his "School Mistress" and his "Pastoral Ballad." You will find them in Dodsley Miscellanies at Mrs. Heyward's.

I hope you received "Thinks I to myself" safe. I dare say you have had many a good laugh in the perusal of it. Is it not strange that a work so fanciful and so ludicrous should be written by a man like Mr. Canning, who is engaged in such high employments and occupied by the most serious cases in the world? It shows, I think, great versatility of mind and great happiness of application.

A young gentleman of your acquaintance is going to be married next month. I tell you this, because he is a Philadelphia student and it was thought heretofore that his medical honors would precede his matrimonial preferment. It is not every city that sustains a siege of Troy, nor is it every lady that will allow her lover to go to Philadelphia without her. The lady's name resembles a field of undergrowth, and the gentleman's you can guess at. Adjutant C. is going to bring his lady among us. We thought she was going to be an inmate of ours, but my hostess has been displaced by another housekeeper and that housekeeper by a third. My hostess observed she was not sorry for that these old maids always continue to be freakish. See what it is to be an old maid and not have a good word from anybody! There are sick children in the house, whose lives are even thought to be in danger. I hope you have no such disasters at Rockspring. Mr. Gregorie and Dr. Doyley are said to be rivals; you know Mr. G.'s old flame. A former lover of a young lady at Cuthbertville is said to be attracted within the influence of the other sister Miss I. C., I merely repeat common scandal. With sentiments of the highest respect to yourself and Miss Ford, I am young ladies, your most servile to command.

J. L. PETIGRU.

After he was admitted to the bar another fancy touched his heart more seriously. The object was Mary Bowman, a very lovely girl of Beaufort. She had every beauty of face and figure, though to say the truth she was not, by any means, as well supplied as the bride of Scarron in one of the articles enumerated in his marriage settlement.

But the lady was an expectant, merely, of fortune, and her admirer unfurnished as yet with anything more than genius and force of character. A rich suitor, a widower with one small child and two or three plantations, made court to the fair one and was forthwith accepted. The relatives, at least, thought the match too good to be refused. Her young friend in after life never failed to speak of her with gentle memories and unbounded admiration of her beauty.

Thrown into such society, it is not suprising that, writing a letter to Mr. Grayson at this period, he should lament over his lost zeal for study and wish that "he was fairly within the vulgar pale, lording it over a farm, talking of venison, drum fish, cottonseed and politics. This is the state in which a man quietly vegetates and like other vegetables is governed by steady principles

and is led to dissolution by regular gradations without the annoyance of passion or eccentricity of mind."

No one would ever have supposed that at the beginning of his career he was intensely shy and nervous, not only at visiting the fine houses but even when he began to speak in court. He used to tell with much humor how there was one lady who made him welcome, but by ill-luck he addressed her once as Mrs. X —— the name of his landlady, the wife of the captain of a coasting vessel. The great lady drew herself up; he knew he had given offence and took great pains not to repeat it, but the very next time he spoke to her he did the same thing. At last it became a sort of spell, he could not call her anything but Mrs. X ——, and he had to give up visiting at the house.

CHAPTER IX

ADMITTED TO THE BAR; A SOLDIER

During the time that Mr. Petigru was teaching in the college at Beaufort he read law under the direction of Mr. William Robertson. He was admitted to the bar at Charleston at the end of December, 1812, in company with an old school-fellow, J. F. Trezevant, Robert Y. Hayne, and John Mark Verdier of Beaufort.

In consequence of the war all business was suspended and there was nothing for a young lawyer to do.

When two English sloops of war, the *Moselle* and *Colibri*, in the summer of 1813 were at anchor in Port Royal and the militia of the neighboring parishes were mustered for the defence of the islands, Mr. Petigru marched in a company under Captain Huguenin to Hilton Head with a musket on his shoulder, prepared to do battle in the front rank for the country's honor, though entirely lacking in sympathy with the war measures of the Administration.

At a subsequent period, in 1832, when General Jackson sent General Scott to Charleston to pacify the nullifiers, Scott was recounting one day at Mr. Petigru's house an event of the war of 1812. Turning to his host, he said, "You are too young, Petigru, to have taken part in the war." "Too young," Petigru replied, stretching out his legs as he sat, throwing himself back in his chair, crossing his hands on his chest,— "Too young, General! Why at that very time I was burning with a passionate desire to be a hero." And he told of his exploits on Hilton Head, and his driving a wagon under Huguenin's command.

He relieved the monotony of his country life by visits to Charleston, where he met many friends, some in the service and some seeking it. His letters to Grayson at this period recount his meetings with mutual friends and happenings in the seaport city. One of them says: "I can not make a like return to the hero-comic story of your letter, but I can tell you of a damned rascally thing of recent occurrence. A privateer, the *Revenge*, Captain Butler, put into this port two weeks ago. The common

soldiers had divided more than one thousand dollars apiece and this overflow came from robbing a Spanish vessel. They robbed her crew and passengers not only of all their money, but of every rag of clothing except what was on their backs. The pirates strutted through Charleston, proclaiming this deed, displaying their gold watches and fine clothes, and not a soul took any notice of it, till at length the crew got to fighting among themselves, and one informed. Even then the marshal arrested none but the captain, and it is said retained no evidence against him. Thus to the dishonor of our name, these pirates, in all probability, will go off with impunity."

In another he wrote: "I was amazed, at the sight of our friend James T. Dent, who was expecting an appointment from Washington. You may remember his steady attachment to the maxim of Creech's Horace:

'Not to admire is all the art I know,
To make men happy and to keep them so.'

"He has been wandering about carelessly improving his knowledge to the detriment of his purse; but while one's capital has not yet gone and his hopes are young there is nothing to prevent pleasure."

He says, "I met Bull* too, and was positively astonished; he is considered the Governor's private secretary though it has not been formally announced. It is a snug post, and opens the world to him in a very advantageous manner.

"There was no pique or misunderstanding between him and General Alston. The boy grew restive and, as the method agreed on between the parties precluded coercion, Bull refused to receive the salary any longer, and left the place contrary to the General's wishes."

In another letter Petigru speaks of having met with General

*William H. Bull had gone from college to be a tutor in Alston's family. Joseph Alston was Governor of South Carolina from 1812 to 1814. In 1801 he married Theodosia Burr and the home of the two was thereafter at "The Oaks." They had one son, Aaron Burr Alston, who died on the thirteenth of June, 1812. It was from "The Oaks" that Theodosia Burr Alston departed to sail on the thirtieth of December, 1812, on the pilotboat-built schooner *Patriot*, from Georgetown to New York. The vessel never reached her destination. A severe gale off the coast of North Carolina was encountered, the *Patriot* was foundered and all on board perished. The story of her capture by pirates is a fiction which does not deserve serious consideration.

Tait* at the Planters' Hotel, and remarks that he "never met him without being struck by his misfortunes and the calmness with which he bore them."

General Tait was a soldier of fortune. He had served in the American Revolution with the commission, it is said, of Captain of Artillery. Afterwards he went to France to offer his sword to the new republic, which was declined. Following is an account of Tait's services:

"The French generals Hoche and Carnot conceived the extraordinary idea of landing on the coast of Wales a force of some fifteen hundred convicts and setting them loose to pillage the enemy's country; and each man was informed that from the moment he landed in England he would be regarded as having been pardoned by the French Government. On February 22, 1797, a French squadron appeared in Cardigan Bay and disembarked fifteen hundred French convicts under the command of Colonel Tait. This was the last foreign invasion of England.

"The colonel and his precious men were armed to the teeth and carried out as far as possible the instructions to avoid actual fighting and devote themselves to pillage and plunder. But three days later they were surrounded by a large force of yeomanry and militia and surrendered.

"At a subsequent exchange of prisoners the French Government absolutely refused to receive any of the worthies of the command of Colonel Tait. At length the English declined to keep them any longer and under cover of night quietly landed them on the French coast, where their presence inspired eloquent expressions of terror. Ultimately the French troops were forced by popular sentiment to round them up, and to the number of eight hundred they were conveyed to the galleys. The seven hundred others managed to escape capture and remained fugitives from French justice, as the government declined to fulfill the promise of considering them as pardoned from the moment they set foot in England."

How the General lived in Charleston nobody could tell, but probably on the charity of his hostess, Mrs. Calder. He was a stoic in temperament and bore the ills of fortune with equanimity. He was a man of striking appearance, of good address, and his varied experience gave many charms to his conversation.

*W. J. Grayson, *Memoir of James Louis Petigru* (N. Y., 1866), page 55.

He was ever sanguine of success, as he was among the inventors of perpetual motion. He went to Philadelphia to perfect his machine and probably died in the poorhouse.

Mr. Petigru knew the relatives of the battered old adventurer in Abbeville, which was a sufficient tie, and he never failed in visiting the city to seek the veteran, to manifest a lively concern in his troubles, and to admire the magnanimity with which he endured the ills of a long and luckless career.

Of another visit to Charleston, Petigru says: "Nobody met me with more cordiality than Mrs. Calder at the Planters' Hotel. The good lady took hold of my hands, called me her son, and what was more extraordinary, remembered I had left her house on a former visit, at the time of her son's death. She burst into tears and declared she could never be restored to tranquility again. She looked, indeed, very much reduced. Nevertheless, the hostess at length predominated and she joined with much glee in some of Frank Hampton's* broadest jokes. Frank is another of the old fraternity that I find here. This may be said of Frank, that I see no difference in him now in his prosperity, a gay and gallant officer, from what he was before. He is the same only greatly improved."

Another character was "Grassy" Smith, about whom the following story is told by Mr. Joseph W. Barnwell in his address at the opening of Petigru College:

Mr. Petigru, who was fond of asking in subsequent years about people whom he had known at Beaufort, once said to Mr. Pope, "And how is 'Grassy' Smith?" So called from the condition of his fields which adjoined the high road near Port Royal ferry. "Ah," he said, when informed of his death, "dead! He was a man of great judgment. I remember during the war of 1812 that my friend Bowman said to me, 'Let us go over the ferry on Saturday and enjoy ourselves. I have a bottle of the best which has got through the embargo.' We went. The lunch was good, and the brandy was better. On our return the ferryman was, of course, on the other side, and we had nothing to do while waiting in the cold except to finish the bottle. Suddenly my friend, who had but one arm, fell from his horse in a fit. A negro was sent to summon Grassy, known for his benevolence, and down he came with a forceps in one hand and a lancet in the other, intent on doing good. I rushed up to him and earnestly explained to him the sad condition of my friend. Grassy bent over him, rose, turned upon his heel, and said, 'They are both drunk.' And I always respected his judgment, for it was true."

*He was a son of General Wade Hampton of the Revolution.

CHAPTER X

1813

COMMENCES THE PRACTICE OF LAW

As soon as he was admitted to the bar Petigru began to practice in Beaufort district, attending also the Courts of Colleton and Barnwell, which together constituted the Southern circuit. Mr. Petigru's headquarters were at Coosawhatchie, the judicial capital of Beaufort district. Conditions were most inauspicious during the war of 1812. The planters were unable to sell their produce, there was no money in the country and all business was paralyzed. On this account Petigru talked sometimes of going to New Orleans, the point of attraction then of young and enterprising men. But the duty that he felt that he owed to his mother and family restrained him. His first and only partner during his practice before the country courts was his classmate, John Farquhar Trezevant,* but the partnership was not of long duration, as Mr. Trezevant married in May, 1813, and moved away. Coosawhatchie was built on the road running from Charleston to Savannah at a point about midway between those two cities, where a little so-called river of the same name was crossed. On the left the bank of the river was low and marshy; on the higher ground of the right bank the village extended along the road, and it was so well situated for catching bilious fever that the visitor seldom escaped it. It was hardly habitable during the summer.† The evil increased as the woods were cut down, and the moist, fertile soil was exposed to the action of the sun. To live in the village for two consecutive summers became almost impossible for white men. Few ever attempted it. There was one exception—P. I. Besselleu, who kept a shop, and furnished board and lodging for lawyers and clients in term-time. He was able to live with country fever with all its varieties, as conjurors in Bengal handle venomous serpents without harm or danger. He must have been anointed in infancy with some drug

*Son of Peter Trezevant. See page 27, "Trezevant Family," by J. T. Trezevant.

†Grayson, page 68.

of mysterious efficacy. The alligator in the neighborhood was not safer than he. To every white man but himself a summer in Coosawhatchie was death. It was unnecessary to try a criminal there, charged with a capital offence. All that was required was to put him in jail in May to wait his trial at the November Court. The State paid for a coffin and saved the expense of trial and execution. At night the jailer thought it unnecessary to remain in the jail. He locked his doors and went away to some healthier place until morning, confident that his prisoners had neither strength nor spirit to escape. At last the lawyers became dissatisfied. They loved fair play as well as fees and desired to see the rogues brought to justice in the regular way, with a chance for their lives, such as the assistance of a lawyer always affords them. The general jail delivery brought about by fever prevented the thief from being duly hanged and the counsel from receiving his retainer. The culprit escaped the halter through the climate, not through the bar. The whole proceeding was informal; petitions were got up to change the site of the court-house and jail to a healthy place, and Coosawhatchie ceased to be the district capital. When Mr. Petigru began to practice law the village was in its palmiest state. It had a dozen shops or houses, with a hundred inhabitants in the winter and Mr. Besselleu in the summer.

All that remains of Coosawhatchie to-day are a few scattered negro cabins, and a grove of sycamore trees on the former site of the court-house and jail.*

During the summer Mr. Petigru retreated to Rock Spring in the pine-land, where he found a friend in Dr. North, who practiced medicine, and had to fly like his patients from fever in the summer season.

Speaking of his first struggle in the law, he said that the first retainer that was ever offered him outside of Coosawhatchie was at Jacksonborough in the shape of a silver quarter by a pine-woodsman, who was looking for a defender in a case of petty larceny.

On another occasion he stopped at a tavern. The landlady, evidently a little doubtful as to his ability to pay, addressed him:

*Besselleu, with surprisingly good handwriting, wrote to Mr. Petigru in 1839, to draw his will and be his heir for the protection of his family. To this appeal, and others for twenty years, he promptly responded.

"What is your business?" "Madam, I am a peddler," he replied. "What are your goods?" she said. "I deal in practices and precedents." "I don't like none of them new-fashioned goods; all I want is a gingham dress, and I don't believe I want to look at 'em."

However, it appeared to establish his credit. Often did he say that the first three years of his practice he had never had the opportunity of making a brief, but he took his revenge out of the public by studying all the harder.

The war came to an end early in 1815 and business revived. The young lawyer began to make a fair income and his reputation soon spread.

With the first money he earned he persuaded his father to let him pull down the old farmhouse at Badwell and build a new one for his mother. This has ever been the home of the family and he formed a habit of going there every summer for his vacation.

In 1816 he was elected solicitor of the district. The pay of solicitor is not large but the office gives position and leads to practice. "I have been elected in Columbia," he writes to a friend, "while sitting down innocent of solicitation in Coosa-whatchie. But if you are disposed to wonder, you will wonder no longer when you recollect the zeal of Huger and the energy of Pringle." These gentlemen, Daniel E. Huger and James R. Pringle, were members of the general assembly from Charleston, friends who adhered to him through life.

His chief and constant opponent at the bar was William D. Martin, who commenced practicing about the same time. They were arrayed against each other in every case, like men-at-arms, separating justice on either hand. If the plaintiff had the aid of one, the defendant was always backed by the other. Many of the country people thought that they had a private understanding as to which cases each was to win. On one occasion Mr. Petigru was even approached by a client with the proposition that he should not only argue the case, but arrange with Martin that it should be one of those which he was to gain. They were men of frank, cordial, joyous natures, and appreciated in each other the high qualities which they possessed in common. Mr. Petigru used to say that the first time he went to ride the circuit, "as lawyers did in those days," he and his friend Martin set off together. Martin's horse died, and they continued progress by

the system called "ride and tie," with the condition that the walker carried always the saddle of the dead beast. When both were in easy circumstances afterward, at dinner they used to tell the story in great glee. When asked why they did not leave the saddle to be sent back instead of carrying it through the country on their shoulders, they would both hang their heads like guilty schoolboys, laugh heartily, and never explain. To their simple minds such a solution in fact never occurred.

Mr. Martin became judge of the Circuit Court, and afterwards member of Congress from 1827 to 1831. He died November 17, 1833. Mr. Petigru records the event in a feeling letter:

TO HUGH S. LEGARÉ

Charleston, November 20, 1833.

My Dear Legaré:

I write with a heavy heart, for I have met with a misfortune which I shall long and deeply feel in the death of our friend, Martin. The event was as sudden as it was cruel. We had been together all the week at Georgetown; left it last Saturday morning in the stage and crossed Milton Ferry about half after 7 in the evening. In the morning he had complained of cold and again in the afternoon, and I thought he had a little fever, but he never was more cheerful, and the day passed as so many other days had passed between us, little thinking that it was his last. When we landed in town he resolved to go to Jones's, and said he would rather go there and take some medicine. On his promising to come to my house next day I consented, and we parted never to meet again, for next morning he was found dead in his bed. It is impossible to describe, and difficult to imagine, the horror I felt when the message was brought me. I ran to him and could scarcely credit my senses when I found him a lifeless corpse. Never did death come more stealthily. His countenance was not the least changed; his head rested on his pillow in the attitude of repose and his eyes were closed as in tranquil sleep. But, oh! the change in the next twenty-four hours was awful. Blood gushed from his mouth and nostrils and the progress of decay was so rapid that on Monday afternoon we were obliged to commit his remains to the ground. He was the earliest friend that was left me, and for the last twenty years our intercourse was marked by mutual confidence that was never broken by the contentions of the bar nor lately by the more disastrous opposition of politics. To me his loss is great; to the country I fear it is calamitous. Calhoun is incessantly agitating. He lectures now on the necessity of a test oath. It is believed that the Legislature will pass a law imposing one.

A man with the brilliancy, originality and force of character of Mr. Petigru, practicing in a country court, must necessarily have left characteristic memories behind him. There are many stories of great antiquity which are localized and attributed to men of distinction and wit. Of these Mr. Petigru was a victim as were Webster, Lincoln, and others. A few incidents which occurred while he was a young lawyer in the Beaufort district may serve to illustrate the character of the man.

He was always impatient of injustice and brutality and prompt to prevent them. On one occasion there was a fight going on in front of his office, under the very shadow of the temple of justice. A crowd surrounded the combatants; the affair was an enjoyment to the lookers-on and nobody interfered to stop it. Petigru's indignation was at last aroused by the savage sight and uproar. He broke through the crowd, seized one of the parties to the fight by his collar and waistband of his trousers, carried him off to the office, and dumped him on the floor with a stern injunction to keep the peace.

At another time he was assailed in the courtyard with most violent abuse by a turbulent fellow of the village, who lavished on Petigru all the foul epithets and appellations he could remember or invent, of which rogue and scoundrel were among the most moderate. The lawyer stood unmoved with a half smile of amusement on his face. At last, the bully having exhausted his ordinary vocabulary of abuse, bethought himself of the term of reproach which at that day comprised everything hateful; he called him "a damned Federal." Petigru's temper was naturally quick but he had it under complete control, though his anger when aroused was terrible. The word was no sooner uttered than a blow altogether unexpected by the brawler laid him in the sand. He became as quiet as a lamb and moved away without comment. A countryman standing near came up and took Petigru's hand and said, "Lawyer, when I looked at your little hand, I didn't believe you could have did it." An old gentleman present, Mr. William Hutson, one of the remaining adherents of the defunct Federalist party, thought the proceeding an imputation on his old creed. "How is this," he said to Petigru; "you seem to think it a greater offence to be called a Federalist than to be called a rogue and a rascal?" "Certainly," was the reply; "I incurred no injury by being called a rogue, for nobody

believes the charge; but when he said I was a 'Federalist' he came too near the truth."*

He incurred subsequently, in conducting a case, the wrath of a tall strapping fellow on the other side. They met a morning or two after at Corrie's Hotel. There was a long piazza where Petigru was walking up and down. The discontented person followed him to and fro, persisting in the vilest denunciations. At last Petigru turned round to him and said very deliberately, "Really, Barns, if I had a whip, I should be tempted to horse-whip you." "You would," said Barns; "stay a moment, I will go to the shop over the way and borrow one for you." He went forthwith, and brought a whip, which he presented with a flourish of incredulity, defiance and mockery. In a moment he was in the clutches of the enemy, a powerful hand seized him by the collar, another brandished the whip, the blows fell fast on the legs of the astonished ruffian. The lookers-on were amused at his contortions to avoid the stripes, until at last he was pushed down the steps of the piazza with a parting kick and an admonition to return the whip to its owner, with Mr. Petigru's thanks for the use of it.

With all the principles of an aristocrat, so far as a regard to the etiquette of society and the due obedience to established authority are concerned, he was accessible to all classes. His address was always pleasant. He delighted to talk with the country people and seemed to draw something out of the dullest, imparting at the same time pleasure to them. No one ever came near him without being better, wiser, and happier from the contact, and he was always prepared to help the needy and protect the wronged and distressed.

Years after he had gone to Charleston and become famous he returned to Coosawhatchie to argue some great case. There at the hotel he met a friend of his earlier life, called Sam. He and his friend Sam had frolicked together; together they had chased deer in the swamps of the Coosawhatchie. His friend Sam had connected himself with a highly respectable denomination of Christians, but had "backslided" twice or thrice. Petigru knew it, and with outstretched hand he met his old friend Sam and exclaimed, "Why, Sam, how are you, and how is all the family?" "Thank God, Mr. Petigru, they are all well, and I am happy to inform

*This was the way he told the story.

you that since I last saw you my last son Tom [the wild boy of the family] has joined the church." Mr. Petigru's eyes twinkled as he said, "Sam, I always knew that there was a sprig of piety in your family; but, Sam, it is not an evergreen."

In later life he always enjoyed speaking of the days when they lived at Coosawhatchie, and often in court, when the opposing counsel was laying down what he supposed to be some profound principle of law, Mr. Petigru with affected humility would reply, "Gentlemen, that may be law in Philadelphia, but it was not law in Coosawhatchie."

An examination of the records of the Court of Beaufort during that time shows that Mr. Petigru was engaged on one side or the other in all the most important cases that occurred, and there encountered the most distinguished lawyers of Georgia and South Carolina.

The case of Daniel Neu, tried in September, 1861, furnishes another amusing anecdote of Mr. Petigru's forensic abilities. Neu lived at the cross-roads about five miles east of Badwell. Being a man of unknown antecedents, according to the common belief of the community he had been a pirate. If possible he could not have been worse. He owned a small farm and about fifteen negroes. His children of both colors grew up together in equal dirt and squalor. He so managed his farm that he always had two or three runaways, who fed and clothed the other negroes. At his trial he openly boasted that "one nigger in the bush was worth three in the field." By this system the neighbors were continuously pillaged. If a cow or a hog, or even the washing from the clothesline disappeared, the general explanation was that Daniel Neu's runaways had stolen them. Consequently, they became the terror of the neighborhood. Two of the unfortunates were finally captured. The people wanted to lynch them, but Mr. Petigru intervened and proposed to have them tried by law. He accordingly had the prisoners indicted as nuisances, and their owner for maintaining a nuisance.

The trial took place in September, 1861, before Squire Trewit and a jury. Neu retained Mr. Edward Noble, one of the leading lawyers of Abbeville, to defend him. Mr. Petigru appeared for the prosecution. The trial is thus described by Hiram Palmer, who was one of the jurymen:

"Lowyer Noble talked powerful strong; told us the law an'

read it out of the books, the same as the gospel. Ever'thing looked shore all right for Dan'el. Jeams L. wus seated down an' lissened an' sometimes hit the floor with his stick. He then looked out the door, an' 'is face wus so pitiful we felt sorry for him an' thought that we wus shore beat. Bime-by Lowyer Noble gits through talkin'. Jeams L. git up. He bowed to the judge, an' he bowed to the jury an' ever'body very perlite. He didn't bring no books. He started easy like, an' said that his friend Lowyer Noble talked very nice, but all that he had read out of the books had nothin' to do with this case; an' before he had talked five minits he had Lowyer Noble's argyment busted wide open. He then begin to talk better'n any preacher I ever hear."

The decision of the court was that the unfortunate negroes were to be sold out of the State, and Daniel Neu was given orders "within thirty days to leave the State." He made a great display of moving some of his belongings across the Savannah River into Georgia, but his family remained at the farm, to which it is said he frequently returned.

CHAPTER XI

1816-1819

HIS MARRIAGE AND RELIGION

The young lawyer of rising reputation, brilliant in conversation, and a writer of verse, has no long lease of freedom unless he is protected by the fear of a rich aunt or the guidance of a wise mother. Mr. Petigru had no one to warn or advise him, so his fortune was speedily decided. There lived near Coosawhatchie a frank, warmhearted planter, Captain James Postell, Jr., son of Colonel Postell of Abbeville. The Captain was one of the most hospitable of men and his house was among the first opened to Mr. Petigru when he came to Beaufort. He had a daughter of most alluring beauty. She was Jane Amelia Postell, one of the ladies to whom Mr. Petigru wrote poetry. She had attended the famous school of Miss Dattie, the most fashionable school of that day, who was succeeded by her niece, Madam Talvan. They had escaped the massacre of San Domingo in 1792, and came as refugees to Charleston. The young girls educated at this school learned, besides their lessons, good manners and absolute obedience. Jane Amelia Postell had a profusion of light auburn curly hair, and handsome dark eyes, a most brilliant complexion, and beautiful teeth; she was of medium height and graceful figure. Her manner was winning, impulsive, and of sparkling vivacity. She was somewhat willful and capricious in her mode of address. She was a Southern beauty, and in a small community once having been placed on the pedestal of a goddess the illusion forever remained.

She was high spirited, admired genius and originality of character, was just the woman to dare the chances of matrimony and face the uncertainties of fortune.

She used to say that on the first occasion she saw Mr. Petigru, he was dancing with her mother, and she thought he was the most awkward man she had ever seen. His legs went in one direction and his arms in the other, regardless of the time of the music, and his face showed the greatest delight and self-satisfaction.

At that time he would have given his little finger to have been able to dance gracefully. During the courtship, which must have dragged somewhat, she consulted her friend, Judge Huger, who said to her, "Jane, if Petigru ever asks you to marry him be sure to do so."

In a short time Petigru's hopes were realized. The original marriage settlement shows that he and Miss Postell were married on August 17, 1816, by his old school teacher, Dr. Waddell, at the farm of her grandfather, Colonel Postell, not far from Badwell.

The maternal grandfather of Miss Postell was Paul Porcher, 2d, the great grandson of the emigrant. He was the progenitor of the Black Swamp Porchers. His brother, Peter, was the progenitor of the Santee Porchers. The Porchers were great people; and like many of the Huguenots of South Carolina, their genealogical records are to be found in the old books of heraldry.

Paul Porcher, 2d, married Jinsey Jackson, July 6, 1775, and probably her people gave the name to the town of Jacksonboro, S. C.* The other grandfather of Miss Postell, Colonel James Postell of Abbeville, had been an officer during the Revolution—one of Marion's right-hand men. On account of a bullet hole, whenever he drank water he had to apply his finger to his cheek. At the age of seventy, although many times a grandfather, this enterprising old soldier married the belle of the district, Miss Sally Birtwhistle, a handsome, dashing girl of sixteen. He always treated her with great consideration, and with pride spoke of her as "that young heifer." When he died he left her all his possessions. The widow afterwards married Mr. Huston. Her descendants are well-to-do people at Augusta, Georgia, who delight to speak of Mr. Petigru's visits and friendship for their mother, whom he always most deferentially hailed as "Grandma."

Mr. Petigru's gentle mother would have been pleased with her daughter-in-law beyond measure if she could have tempered a gay defiant nature and taste for fashionable life with something of the elder lady's constancy of spirit and quiet self-control. As it was, the bride charmed every one as she pleased, her young

*See will of Captain John Jackson, probated January 5, 1724; and will of Captain John Jackson, probated May, 1748; *The S. C. Historical and Genealogical Magazine*, Vol. XI, p. 13.

sisters of the household especially, with her lively and unaffected manners and the grace and loveliness of her face and person. At the close of the summer the young couple returned to their home at Coosawhatchie. Here they were received by their dear friend Dr. Edward North, who afterward removed to Charleston. Dr. North occupied during the winter season a plantation near the town called Northampton, and the newly arrived pair from Abbeville spent their first winter after their marriage at his place. During the year 1818, at a hired house in Coosawhatchie, their eldest son Albert Porcher was born. Some time after the family removed to a new house built by Mr. Petigru himself in the outskirts of the village. It stood on the main road about a mile south of the court-house; it was the best building of the neighborhood, and the successful architect of his own fortune took some pride in this portion of his handiwork. He used to say that he had made his mark in the village borders. It was the first trophy of success. The house passed from him to Dr. Francis Y. Porcher, a first cousin of his wife, and after changing hands several times finally disappeared, and its site during the Civil War was a camp and parade ground for troops of the Confederacy.

At the end of 1819 Mr. Petigru's practice had greatly increased and by the urgent advice of many friends he removed from Coosawhatchie to Charleston. It was difficult for the young couple to find a suitable house at moderate rent, and here for some months they again found a temporary home with their steadfast friends, the Norths, who had preceded them in moving their household gods to the city. Their house was in Queen Street.

While here their second child was born, January 4, 1820, and called Jane Caroline, after Mrs. North. In two months from that time they took possession of the house in King Street near Smiths Lane; and each year, as their circumstances improved, they removed to better quarters. Their third removal was to a residence on South Bay, next door to Mrs. Grimké's.

At this place, March 1, 1822, their second son was born and was named after his god-father, Daniel Elliot Huger.

After two years they moved to Orange Street, nearly opposite to Mr. J. R. Pringle.

It was here, October 25, 1824, that their youngest girl was added to the household, now including two sons and two daugh-

ters. She was named Susan Dupont, after her god-mother, the most intimate friend of Mrs. Petigru.

On August 27, 1826, Mr. Petigru was elected solicitor for St. Michael's Church, and subsequently he became a vestryman. He continued to exercise both functions for the remainder of his life.

A deed dated 15th of June, 1829, shows that James H. Ladson sold pew No. 79 for \$600 to James L. Petigru.*

Mr. Petigru was by nature emotional, passionate and deeply religious. His course through life was marked by self-denial, devotion to truth, and a reverence for all the great historical churches. He inherited from his Huguenot ancestor a spirit of martyrdom, but his mind was too catholic for the Calvinistic creed in which he was nurtured. He no doubt understood much of the science of theology, but he was not a blind follower of ecclesiasticism or theological dogma. He was an humble follower of Christ and his religion was on a plane far above ignorant bigotry. He was a constant worshiper in the Episcopal church although he never became a communicant.

*The original records show: "I, Sarah Gibbs, for and in consideration of the love and affection I bear unto my son, Louis Ladson Gibbs, have given * * * my pew in St. Michael's Church, situated on the north side of said church. * * * " Dated 9th day of November, 1816. In 1826 Louis L. Gibbs, of Pendleton, sells pew No. 79, on the north side of St. Michael's Church, to James H. Ladson for \$500.

CHAPTER XII

1820

LAW PRACTICE IN CHARLESTON; LAW OFFICE AND GARDEN;
CASES

The change from Coosawhatchie to the city was made easy by an offer of partnership with his friend James Hamilton, Jr.* Colonel Drayton had been elected Recorder of the City of Charleston and had transferred to Mr. James Hamilton, Jr., a large portion of his business at the bar. Mr. Hamilton was a person of great personal magnetism, brilliancy of speech, and a keen manager of political parties. He was sanguine, visionary, and given to speculations, and he was not a thoroughly read lawyer. The partnership was, therefore, mutually advantageous—the one found the business, and the other the principles of law. From this partnership originated the most dramatic and serious events of the life of Mr. Petigru.

The removal to Charleston was a great step in advance. At that time the population of the city was about 25,000—14,000 of whom were blacks. It ranked fifth in population, and third in point of commercial importance among the cities of the Union. Although not offering the same opportunities as it had offered immediately after the Revolution, it still afforded high prizes for both reputation and fortune.

The Bar of Charleston was considered among the first in the land. It was composed of such men as Hayne, Grimké, Drayton, Mitchell, King, Bailey, Simons—men of the highest culture and attainments, who gave purity and dignity to the practice and profession of the law.

The records show that on January 1, 1820, William Drayton sold to James Hamilton, Jr., a lot in St. Michael's alley, 35 feet front by 45 feet deep, for \$2,500. The office of Mr. Petigru was ever afterwards at this location.

*He was the son of Major James Hamilton, of the Revolution, who married the widow of John Harleston, of "*The Villa*" Plantation on Cooper River; she was the sister of Thos. Lynch, Jr., signer of the Declaration of Independence.

The young firm was not at once overburdened with business. Mr. Petigru often remarked in after life that he was indebted to the good people of Charleston for much of the leisure to pursue his studies during his first two years at the bar in the city.

The following is a characteristic and rather significant letter which he writes to Mrs. Elizabeth A. Yates, August 13, 1822, regarding her son, J. D. Yates, a law student in his office:

TO MRS. ELIZABETH A. YATES

As you have recommended him to my care I will henceforth look on him as more particularly in my charge and not simply to supply the place of a monitor to him, if any occasion for the exercise of that authority should present itself.

I am not, however, friendly to the plan of lecturing the young on all occasions, nor do I think it good policy to give advice often when it is not asked. But he will find a friend in me while his behavior is commendable, and when it is not (if that should ever be the case) I will use the authority which you have entrusted to me of admonishing him of his errors.

In 1822 Hamilton, as Intendant of the City, rendered himself exceedingly popular in the State by his energy and firmness in circumventing a threatened insurrection of the negroes. This insurrection had been organized by Denmark Vesey,* and Gullah Jack, an African who was considered by his people to be "voodoo man," and consequently immortal. At the end of this year Hamilton was elected to Congress and Robert Y. Hayne, who was Attorney-General of the State, was elected to the United States Senate. Mr. Petigru was then elected by the Legislature to the office of Attorney-General.

It was an office of profit, influence and dignity, and made him legal adviser of the State authorities and the official head of the entire bar. His presence was required at the capital with the State solicitors during the sessions of the Legislature,† and every bill introduced had to be scrutinized by these officials as to the efficiency of its form and style before it became a law. The consequence was that the statutes of South Carolina, for eight years, could challenge a comparison with those of any other State in language and structure.

*A West Indian mulatto, who had bought his freedom by winning a prize, in one of the many lotteries of the day, of six thousand dollars.

†The Attorney-General at that time performed the duties of Solicitor at Charleston and Georgetown.

His practice at the bar was not always pleasant. He had many opponents. Many of them were fully disposed to observe in the conflict those courtesies of practice that always prevailed. But there was one exception.

Benjamin Faneuil Hunt was born at Watertown, Massachusetts, on the 20th of February, 1793, and died in New York on the 5th of September, 1857. He was a graduate of Harvard. In 1810 he moved to Charleston on account of his health, where he studied law and was admitted to the bar in 1813. He was a Union man during the Nullification struggle, and as colonel of a regiment in 1833 he insisted on applying the test oath, which was decided to be unconstitutional. Benjamin Faneuil Dunkin, afterwards Chief Justice, his first cousin, came to Charleston in 1812. He adopted the politics of the country, and in 1837 became Judge of the Court of Chancery. He married Miss Prentiss and a number of descendants perpetuate the name.

It is said that when Mr. Hunt first came to Carolina he showed in the conduct of some of his earliest cases what was supposed by some to be a lack of spirit. It is a matter of tradition that on hearing of this his cousin, Mr. Dunkin, sent him the message, "If you expect to stay in this State, you must fight." The message wrought an immediate transformation. He flew at once into the opposite extreme and became thereafter offensively aggressive, and even to-day he is spoken of as "Bully Hunt." We learn from Mr. Grayson that he was an able speaker and good lawyer; bold, rude, regardless of respect to opposing counsel, witnesses or clients, and unscrupulous as to the language in which he expressed his contempt; skilled in cajoling the jury and bullying the judge, a little sensitive as to his own feelings and utterly without regard to the feelings of others. One purpose only seemed to govern him, that of gaining his case at all hazards. He was a formidable adversary, and the lawyers of the old school were reluctant to encounter his rude assaults.

But in the newcomer from the country court he found no reluctant adversary—a deeper intellect than his own, a stronger moral nature, a resolute persistency of spirit that nothing could daunt, weary or deceive. No craft evaded Petigru's vigilance. No show of violence stopped his resolute exposure of irregularity in his opponent's practice. The contest went on month after month. It assumed the most threatening forms. It seemed,

indeed, as if the death alone of one of the parties could put an end to the struggle. A challenge passed at one time, but the feud had a sudden and unexpected ending. By a terrible accident Mr. Petigru lost his eldest son. Mr. Hunt addressed a note of sympathy to the afflicted parent and requested that the antagonism between them should cease. Mr. Hunt, speaking to the Honorable Joseph D. Pope in after years of Mr. Petigru's power as an orator, used the following language: "His learning is great; but it is not that. His reasoning faculty is large; but it is not that. It is his quaint, original, magnetic eloquence. When his feelings are enlisted he is the greatest public speaker I have ever heard, and I have heard them all."

Mr. Petigru had prepared for his duel with Hunt with his usual industry and determination. He bought from Hapholdt—the best gunmaker in the country—a practice dueling pistol for one hundred dollars. It had an eleven-inch barrel, hair trigger, and carried a one ounce ball. In being rifled it differed from the regular dueling pistol. He practiced diligently and became a good shot.

Some thirty years after this event one of the boys found the pistol in the drawer of an old secretary at Badwell. Of course he must give it a trial. While engaged in shooting at the mark Mr. Petigru happened to pass. He asked to see the pistol, which he examined with great care and interest, saying that it reminded him of many years ago. The boy bantered him to try a shot; he adjusted the hair trigger carefully and at the word fired. He put the ball in the center of the sapling about fifty feet distant. The boy wanted him to try again but he laughed and said: "My young friend, you will find that when you have made a lucky hit, it is a good rule to leave well enough alone. You will find the statement illustrated by my friend Judge Longstreet* in 'Georgia Scenes.'" Then sitting on the carpenter's bench under the walnut-tree, with great humor in voice and gesture, he repeated the story of Billy Curlew and Soap-stick from Longstreet's book.

The pistol was by accident saved during the war. It is still in good condition and is preserved by a member of his family as one of the few remaining relics of Mr. Petigru.

*A. B. Longstreet, LL. D., a pupil at Dr. Waddell's Academy, and afterwards President of South Carolina College.

In the year 1829 General Joseph W. Allston, of Georgetown, S. C., was placed, both as magistrate and as general of the militia, in a position of great responsibility, by an attempted insurrection among the negro slaves. Troops and arms were sent from Charleston, and for a time great alarm was felt throughout the State. Order was promptly restored, but the task of discovering, trying and punishing the ringleaders was slow and laborious.

Allston seems to have written to Mr. Petigru, the Attorney-General, to ask if the Clerk of Court could, *ex officio*, act as one of the magistrates on the Freeholders' Court. This Mr. Petigru seems to doubt, and writes thus under date of April 17, 1829:

I am sorry that your labors are so arduous. I think the Governor should be called on to appoint more magistrates, and if names were recommended to him he would no doubt do so. But then they would not be obliged to accept.

I am afraid you will hang half the country. You must take care and save negroes enough for the rice crop. It is to be confessed that your proceedings have not been bloody as yet, but the length of the investigation alarms us with apprehension that you will be obliged to punish a great many.

In the newspapers of the day we find Petigru's name constantly mentioned as attending meetings and making speeches for a survey of the South Carolina Railroad, and for a drainage canal connecting the Ashley and Cooper rivers, and for various purposes which would promote the welfare of the city.

The poor and oppressed found him a zealous and untiring friend, and he was ever ready to espouse the cause of some poor woman, the victim of a hard system, and most generally not able to pay anything for his services. The rights of the free negroes he was always defending. He was the champion to whom they flew as a sure refuge. In some of the adjoining parishes, notably on Goose Creek, there were many unfortunate men accused of having negro blood in their veins. He established their claim to being white, and in later years they showed their gratitude by always voting with him, and were known as the "Goose Creekers whom he had whitewashed."

He continued to perform his official and other duties, and as he expressed it, "My success has been at least equal to my deserts." The country since the War of 1812 had been quiet and

prosperous, but during the last decade serious political changes had occurred. In 1828 the ill-judged "tariff of abominations" had been passed and the discontent and irritation of the people which had long been smouldering brought forth the explosion of Nullification. It divided the States, parties, and friends. The position of Mr. Petigru, as the disciple of Alexander Hamilton, a Federalist, and as one who considered the Union sacred, was well known. Therefore, considering the imminent danger of the country, and in compliance with the wishes of his friends, he in 1830 resigned the office of Attorney-General and became a candidate for the State Senate.

The law office in St. Michael's Alley before and since the War has always been associated with Mr. Petigru. But according to tradition it was in Colonial times the favorite place for the gallants of those days to hold their meetings.

In 1820 William Drayton* sold to Hamilton and Petigru a plot in St. Michael's Alley, 35 feet front by 45 feet deep, for \$2,500; and three years later Hamilton sold his share to Petigru. Mr. Petigru occupied this building until 1848, when finding it inconvenient for his business and many students, he decided to build a new office. He accordingly bought an adjoining lot 29 by 49 feet for \$1,200, employed Mr. E. B. White† as architect, and commenced building in October, 1848.

The new office covered a space 47 feet by 25 feet; was two stories high; of rough cast brick; and followed in miniature the graceful lines of a Greek temple.

Petigru occupied the large room on the second floor. It was surrounded by book shelves from floor to ceiling. The furniture consisted of a large mahogany table, some chairs and a step-ladder. On one side of the room was his writing-desk; he always stood up when he wrote because he considered it self-indulgence to do so sitting down. Johnston Pettigrew used the adjoining room. The lower floor was occupied by his partner, the students and law clerks. On the 7th of May, 1849, Mr. Petigru occupied the new office. His daughter, Mrs. Carson, describing the installation, says: "He waited for me to come from Dean Hall

*Recorded, books F. and M. 9, pages 146 and 176.

†Mr. White graduated at West Point in the class of 1826. The works that he left behind him show that he was a skilled architect.

to help him move and arrange the books. Sue joined to make it a party of pleasure and summoned Lowndes, Miles, Hayne, et al., as assistants. We pasted Mr. Petigru's name in each of the good and new books; and as we read the price of them,—one pound, two pounds, and oftentimes more,—Sue would protest and lament so much should be paid for a dry law book which would have bought her so much finery. There was a crest Mr. Petigru had chosen, a crane, and a motto I forget, with his name, which I mostly pasted myself in each book."

In 1864 Mr. Lesesne as executor sold the building and land for \$14,000 Confederate money, equivalent at that time to about one-fifth of its cost. For a number of years after the war it was occupied as a dwelling by negroes. It has recently been renovated and converted into a small modern flat.

From a letter from Chancellor Lesesne we find that in 1863 the office building being directly in the line of the shelling of the town, Mr. Petigru's books were packed, and with a number of tin boxes containing the papers labelled with the clients' names, were transported to Columbia and placed in the library room of the Euphradian Society of the South Carolina College and the door locked. There they remained safely during the War. After the fall of Columbia, 1865, the key was demanded by Colonel Haughton and delivered to him. The military occupied the building. The library room of the Society was on the third story. The two lower stories were used as guard rooms and sentinels were always posted in the passages at the doors.

In the following November it was found that the door had been forced open, the lock broken, the books scattered; many of them with covers torn off, tattered and defaced; the tin boxes had disappeared and their contents lay scattered over the floor, soiled and torn. The matter was reported to General Ames, who expressed great regret at the outrage; he remarked that the troops had become demoralized and were not under control. Through his efforts a few boxes, books and papers were recovered.

In 1867, out of respect for Mr. Petigru, Congress bought his Law Library—the money, five thousand dollars, to be applied expressly for the use of his wife. The books were placed in the Capitol Library at Washington.

Mrs. Carson writes: "In after years when I visited the Capitol

at Washington I was shocked to see the shabby appearance of the books. Many of the fine calf-skin bindings had been torn, and at least one-third of them had been stolen in Columbia. At the ragged remnant I was ashamed to look, whereas I had expected to be proud."

Mr. Petigru's tastes led him to make a garden opposite his law office, this being the only indulgence he ever permitted himself in the course of a long life devoted to the welfare of others.

In 1841 he bought a lot 96 feet front by 86 feet deep, for \$5,250, so that the garden must have been commenced at the period when he was beginning to see his way out of debt.

The two brick buildings on the site were removed, and in the yard there happened to be a handsome magnolia tree which was retained and became a prominent feature of the garden. The side of the alley was enclosed by an iron fence mounted on a brick foundation, and the entrance was between two massive pillars of brick which supported a heavy iron gate. The surrounding walls were covered with ivy.

For the purpose of erecting a conservatory, in 1851 he bought an adjoining house and lot, 17 by 41 feet, for \$600.

But here again his character displayed itself. An old cobbler lived in the house which he desired to pull down; but he would not turn out this old man and he not only suffered the daily vexation of the ugly old building which marred the effect of his beautiful garden, but he prolonged the life of the old man by giving him maintenance.

From old receipts it is found that in after years he employed Webb, a professional gardener, at an annual salary of \$150, to supervise the work of the negro gardeners. At a conservative estimate this garden must have cost for land, construction, etc., \$8,000, and for annual maintenance and taxes, \$200.

Every morning before work he visited it and gave minor directions to the workmen, and often during the day he could be seen walking there like Plato in the groves of the Academy. Sometimes he would be twisting a lock of his dark brown hair, or again with both hands behind his back and as was his wont always talking to himself, either repeating poetry or studying out the argument of some case.

Any strange plants that he found in the woods he immediately transferred to the garden for cultivation, and often he would

send a specimen to Professor Louis R. Gibbes, a universal scientist, with a note requesting the botanical name and "that he would pardon the curiosity of his ignorant friend."

In his law practice if an old Union man got into a scrape Mr. Petigru was ever ready to extend to him a hand of encouragement or assistance. In this way he gave his professional aid to a Union man in the case of the State *versus* James Clark. It was imputed to Clark that he was of negro blood. There were many people in the Goose Creek section who had been accused in the same way. They were all Union men. Mr. Petigru defended James Clark's citizenship and political rights. After one or two witnesses had been heard on the part of the State, Captain Rearden, a man of portly mien with a broad good-humored face, was placed on the stand. Attorney-General Bailey inquired whether the witness knew James Clark. "Certainly," he replied; "know him well." "Is he a white man?" "No." "Do you know his mother?" "Yes." "Is she white or negro?" "Nigger." And the examination ended on the part of the State.

Mr. Petigru then commenced the cross-examination in his usual deliberate fashion: "Captain Rearden, I am told that you have the honor to fill an important office in the service of the State." "I do not know what you mean, Mr. Petigru." "Well then, to be more definite, you hold the commission of captain of a company in the militia of South Carolina?" "Yes, sir; held it ever since I was twenty-one." "Has James Clark ever turned out in the ranks under your command?" "Always, sir, never missed; regular as anybody." "Very well. You were one of the judges of election also, I believe, Captain Rearden?" "Just so; always am; they will appoint me at Columbia all I can do." "Have you ever, while serving as judge, received James Clark's vote at the polls?" "Certainly, sir; he always votes punctually just like he musters; never fails." "That will do," said Petigru; "I have nothing more to ask." "But, sir," the Captain replied hurriedly, suspecting something amiss, "stop, sir; maybe you do not understand; let me explain, sir. In each parish everybody musters and everybody votes, except the field hands. That is the reason, sir, the Union party, you know, always beat us at elections." The explanation was made with perfect simplicity. The Captain merely assigned the mode in which his party was defeated, without suspecting apparently there was anything

amiss in it. It was the approved custom of his parish against which he had no notion of protesting. He was anxious only that Mr. Petigru should understand the nature and extent of their privileges.*

*Grayson, page 133.

CHAPTER XIII

1826-1829

MISFORTUNES; HIS SISTERS, AND SOCIAL LIFE

About 1826 Petigru removed to the house in Broad street, afterwards occupied by Dr. Frost. While here there occurred within a few days three of the severest trials of his life. He was about to fight a duel, his eldest son was killed by accident, and his mother died.

The following letter, in language beautiful in its simplicity, describes the death of the child and the soul of a strong man in agony:

TO JANE PETIGRU

Charleston, 13 September, 1826. /

My dear Sister:

No hand but mine must write what God knows is hard for me to write. My Albert,—yes, Albert the child of my heart is dead. And dead, too, in such a way. He fell from the head of the stair case down to the first floor, on Monday about a quarter before 12 o'clock. You know how fond he was of climbing; he had mounted upon the banister; there was nobody in the house but the servants; none saw him but Becky; he was supporting one foot on a small board that leaned against the balustrade on the top step; the board was merely tacked to the balustrade; it had been there before we came into the house; one leg he threw over the banister; he supported one foot on this little board; it gave way, and my poor child fell to the bottom. I suppose it is thirty feet. He gave one scream, as he fell, but no scream when he reached the floor. The noise was heard at Mr. White's and Mrs. Gibbes'; the servants raised a cry; the house was filled with people; they took him up as dead; they rubbed him, they applied salts and he breathed. It was ten minutes before I came. Judge of my horror when I kneeled down by the side of the couch on which he was lying, spoke to him,—him to whom I never spoke that he did not answer before, looked into those eyes that had been so bright a moment before, and saw nothing but stony insensibility in them. Two physicians, Dr. Ramsay and Dr. Campbell, had already come; Dr. Porcher and Dr. North came afterwards. Then before Dr. North came your sister; she was carried away insensible, and I remained stupid, in horror. Life seemed to return by slow degrees, and then they gave us hope, but I knew

it was hoping against hope, still my heart received and caught at it. After bleeding him he was carried up stairs, and then we waited, you may suppose how, to see if sensibility and life would return, after this state of torpor was over. Susan Webb and Mr. Morris sat with him; I was with them that night. As for your sister she needed a nurse, instead of discharging the office of one. I was even so far comforted by the accounts of others who had recovered from monstrous blows, that I slept 2 hours that night on the sofa, but the morning came, Tuesday morning, he was worse, and again I felt the torture which words can not describe. I wanted to write to you then, but I could not do it while in such awful suspense. Again I was doomed to feel the deceitfulness of hope. At the end of 24 hours after the injury, Tuesday a little before twelve, he showed signs of consciousness, and even showed he knew me, and moved his hand to head to tell me where his pain was. Oh God, how my heart bounded when the poor child looked at me and I saw in those eyes the proof of consciousness and that he knew me. But it was for a moment only; he returned to the same torpid state and in spite of all the physicians could do, who left no means untried, he expired this morning at 20 minutes before 1, having lived almost 37 hours, but never having spoken. With him all was over in an instant, the moment of his fall was the last he knew. Your sister is prostrated. She still calls for Albert, her Albert; and then when that wild fit is over complains that she can not bring her mind to think that he is dead. I am crushed. It is the first blow I have ever had. But the repeated disappointments that the changes in his state during those 37 hours had inflicted on me, made me realize the event when it came. They laid him out and he looked beautiful. I kneeled down by him, and uttered this prayer:—"Oh God, I thank Thee that thou didst bestow on me this child, and suffered him to remain with me during 8 years and upwards, as a most sweet companion; and now thou hast made him an angel of light. Grant, oh Father, that his parents may be prepared to follow him to thy Presence." I now feel easier. I have gone through this narrative for you and mother and father, the little girls and Tom, and my own poor children that are with you. We don't know how we will bring them now. My wife can't think of going, because one of the last things he did—he was writing a letter to Caroline, she shall see it when she comes, and since we talked of going, he constantly asked to be allowed to go with us. I have written all, my tears have stopped, and I feel better. Adieu.

YOUR BROTHER.

Wednesday, 12 o'clock.

The boy was the greatest pride of his father; his loss was a sorrow from which he never recovered. On the anniversary of

his death, ever afterwards, he withdrew from all society and in absolute seclusion communed with his own heart.

Calamities never come singly, and the day after the death of his son, his mother died. He had loved her all his life with great tenderness and with reverent devotion that could not be surpassed. She had led a life of patient sacrifice, devoted to the love and training of her children. On her tomb at Badwell we find inscribed:

To the memory
of
Mrs. Louise Petigru
Nee Gibert
Born in Charleston, 14th September
1767

Died on this farm where she had
spent more than forty years of her life
14th, September 1826

This memorial is placed by her
children who are indebted to her
for a virtuous education to which
her own excellent example
contributed the best of lessons.

Mr. Petigru and his wife immediately hastened to Badwell to give sympathy and aid. The household consisted of his father, and his five sisters, ranging in age from twenty-six to twelve years.

His brother, Jack, had been sent west to seek his fortune.

His second brother, Thomas, had entered the Navy as midshipman in 1812.

His third brother, Charles, whom he had educated, was a cadet at West Point, where he graduated in the famous class of 1829.

His chief concern was about his sisters. They all showed their French origin and were handsome, bright and attractive. In passing, it may be said that the physiognomy of the brothers was distinctly Irish.

He desired to take the three youngest girls to his home and consulted his wife on the subject. It was no small matter to ask a young woman devoted to fashionable society and amusement, to receive into her household three green country girls whom she

hardly knew. But she cheerfully rose to the occasion and agreed not only to receive them, but to welcome them. Accordingly, leaving the two elder sisters with their father at Badwell, he brought the three younger—Louise, eighteen; Adele, sixteen, and Harriet, twelve—to his home in Charleston. They became his constant companions, and on his return home at night, after a hard day's work, he devoted himself to their entertainment and amusement. With parental affection he attended to their very liberal education; he watched over their future happiness, and was their guide, philosopher and friend even after they were established in life.

One of these sisters always spoke with enthusiasm of the way in which Mrs. Petigru did everything to make them feel at home and happy.

In 1827 he bought a summer residence at the east end of Sullivans Island. This he used until 1843, when he moved to the more convenient west end of the island to a house, heavily mortgaged, that he obtained from General James Hamilton, Jr., in exchange for a debt.

His eldest sister, Jane, married on 13th of August, 1827, John Gough North, the son of Dr. North, who was Petigru's friend when he practiced law at Coosawhatchie.

On the occasion of her marriage, Petigru wrote as follows:

TO JANE PETIGRU NORTH

Sullivans Island, 31st August, 1827.

My dear Jane.

The last mail brought your letter from Pendleton informing us that you were no longer Jane Petigru. Well—I hope you will have the grace to be a good wife, and that your husband may give a good account of you. I have no idea that a woman should marry at all, unless she is willing to devote herself heart and soul to promote the good of her husband. Men have many ways to show themselves clever fellows—the service of the State in peace and war; politics and religion, all are before them to choose, and if one shines in these, a moderate neglect of home and family is by the consent of mankind conceded to him. But a woman, if she has a sense of virtue and honor, is to show it, like Solomon's good wife, in rising betimes and setting her maidens to work. I hope you are now quite well, and North too. It is rather a bad beginning that you should have been both sick this summer. But the summer is now drawing to a close and your bad beginning will come, I hope, to a good ending. Charleston is really

very sickly and I am glad that we were not there when the sickness commenced. It is not on account of the yellow fever only that it is to be shunned, but there is a prevalence of disease. I was in town on Monday; saw Dr. North, who seemed to be as much worsted by fatigue as I ever knew him; he told me that he had paid the day before 42 visits. * * * Your sister has not been of late so well as she was at first. She has had headaches of late, but still they are not as distressing as she used to have in town and she thinks highly of the Island, so that it is probable that we shall come here again. Make me kindly remembered to Mr. and Mrs. North and assure your Mr. North of my regard. Adieu my dear sister.

YOUR BROTHER.

In 1828 Mr. Petigru's final move was to the southwest corner of Broad and Friend street, now Legaré street. There he bought a house and lot. The house was fifty by fifty feet, two stories and an attic, with piazzas at each story on the front and back, extending two-thirds the length of the house. The lower portion was built on brick walls; the rest was of wood. It had a gabled roof, of slate, and dormer windows. One entered the hall, twelve feet wide, from which a staircase with mahogany rails led to the top of the house. On the right of the hall was the parlor; to the left were two rooms, the front being used for a dining room. The upper floor was divided in the same way. The rooms were large with ceilings twenty feet high. In each room there was an open fireplace, and to warm the house must have been difficult, but in those days it was considered very comfortable.

The lot was ninety-five by one hundred and thirty-nine feet, surrounded by high brick walls on the top of which, according to the Barbadoes practice, were broken glass bottles supposed to keep out marauders. In the yard there was a brick stable and carriage house, and other brick buildings, for the numerous domestics and hangers-on; the attic of one of these buildings was constructed as a wine loft.

In those days it was the custom for the head of the house, followed by his servant with a large basket, to go to the market, especially on Saturday morning, to make his purchases for the Sunday dinner. On one occasion Mr. Petigru met Mr. A. haggling about paying a dollar for a beautiful wild turkey. Mr. A. finally decided that he would not buy it as he had no one to cook it, upon which Mr. Petigru with great glee said, "As my daughters have been brought up in the kitchen I will buy the turkey."

One of the greatest delights of his home life was to bring home to dinner any friend whom he might casually meet. Hugh S. Legaré, William Harper, William D. Martin, James R. Pringle, Alfred Huger, and others were his frequent guests. On one of these occasions a countryman, a friend of his boyhood, dined there in company with many distinguished guests, and continued, during the dinner, to address Mr. Petigru as 'Jim.'" When the guests had departed one of his sisters remonstrated with him for permitting such familiarity. "Ah, my dear," said he, "if you only knew how few people there are who call me 'Jim.'"

He led the life of a hard-working lawyer. Breakfast at nine; dinner at three, and then again to the office, remaining there often till midnight. In the winter he lived in the city; in the summer he removed his family to Sullivans Island.

Here, while other people amused themselves either by driving or sailing, he was to be seen about sunset alone in the Episcopal Church yard, bent over pulling up cockspurs, for which he had a pet aversion; at the same time always talking to himself. On Saturdays he would occasionally go fishing; though not much of a fisherman he enjoyed the fish caught by his friends and was always the life and soul of the party. During July and August he went to Abbeville for vacation, which he enjoyed like a school boy. Sunday was a day of rest and recreation.

He usually had a dinner party when he received his friends and the many distinguished strangers who brought letters to him. His cook was a noted artist; and his dinners were seasoned with an unfailing supply of humor and wit which all remembered with delight.

The old house in Broad street was the scene of his boundless hospitality until it was burned by the great fire in 1861.

On the 13th of October, 1829, his third sister, Louise, was married at Badwell to P. J. Porcher of Fairlawn Plantation, Cooper River.

The ordinary routine of his social life was disturbed at the end of 1830, when, much against his will, he was forced into politics.

CHAPTER XIV

1830-1831

DEFEATED AS UNION CANDIDATE FOR STATE SENATOR;
WORK OF THE UNION PARTY

The views of Mr. Petigru were well known. He was absolutely opposed to nullification and secession, which he considered a revolution that would lead to war. He looked upon the teaching of the leaders as madness and a snare and delusion destructive to the happiness and welfare of the people. To him the Union and the Constitution were things sacred. In a letter on this subject, he wrote: "The success of going out of the Union at will demonstrates the fallacy of attempting to combine the principle of unity with that of the separate independence of the States, and makes the Constitution a cobweb, and when it comes to be so considered it will be despised and disowned, and a general disintegration must follow." He often declared that under the Constitution each State and each citizen enjoys the largest amount of independence, freedom, and happiness, and that its only fault was that it was too good for human nature to bear.

He was recognized as a leader of the Union party, but always with great modesty, in all the movements he placed in the front rank the name of Mr. Poinsett, Mr. Drayton or some of his other friends. Some of the prominent members of the Union party did lean towards "States' Rights," a doctrine always flattering to the southern mind. State rights aside from the Union he could not abide. He was essentially conservative, but a thorough Democrat. The majority of the Roman Republic was always in his mind, but to Demos he never bent.

The people were all enemies of the tariff system, but divided on the subject of nullification. A great dinner given at the Hibernian Hall, Charleston, was made the occasion of publicly arraigning prominent men upon the question of nullification. Mr. Petigru, although closely allied in business with James Hamilton, Jr., a supporter of nullification, refused to attend, and William Gilmore Simms, then editing the *City Gazette*,*

*July 1, 1830.

called attention to the fact that while the voting strength of the city was 2,800 only 430 tickets were taken up by the doorkeepers at the dinner.

The leaders of the Free Trade States' Rights party were James Hamilton, Jr., Robert Y. Hayne, H. L. Pinckney, R. J. Turnbull ("Brutus"), George McDuffie, William C. Preston and others. These were known as Nullifiers; and their enemies called them "fire eaters." They were all disciples of Calhoun.

The leaders of the Union States' Rights party were J. R. Poinsett, William Drayton, J. R. Pringle, Judge D. E. Huger, J. L. Petigru, B. F. Hunt, B. F. Dunkin, Henry Middleton; and of the younger men were H. S. Legaré, C. G. Memminger, Richard Yeadon. They were known as "Unionists," and also taunted as "submissionists."

The following letters of Mr. Petigru show the condition of affairs at this time.

In a letter of 1830, he says to an old friend of the opposite party:*

You and I will never dispute much on politics, and not at all on anything else. There is less difference between us than between some who are on the same side. Nevertheless, we differ more than I ever supposed we would about anything. I am devilishly puzzled to know whether my friends are mad, or I beside myself. Let us hope we shall make some discovery before long which will throw some light on the subject and give the people the satisfaction of knowing whether they are in their right minds. When poor Judge W. used to fancy himself a teapot, people thought he was a hypochondriac; but there are in the present day very good heads filled with notions that seem to me not less strange. That we are treated like slaves, that we are slaves in fact, that we are worse than slaves and made to go on all fours, are stories that seem to me very odd, and make me doubt whether I am not under some mental eclipse, since I can't see what is so plain to others. But I am not surprised that the people have been persuaded they are ill used by the government. Old Hooker says, "If any man will go about to persuade the people that they are badly governed, he will not fail to have plenty of followers." And I am inclined to think that the better the polity under which men live, the easier it is to persuade them they are cruelly oppressed.

Again in another letter, in the year 1830, he says:†

*Grayson, pp. 118 to 120.

†Grayson, p. 119.

You remark that in Beaufort you are all trying to become more religious and more state-rights. The connection between the two pursuits is not so obvious at first sight as it becomes on a closer inspection; for as it is the business of religion to wean us from the world, the object may be well promoted by making the world less fit to live in. And, although I do not myself subscribe to the plan, I am fain to confess many excellent men have thought that the making a hell upon earth is a good way of being sure of a place in heaven. But I am tired of harassing myself with public affairs, and wish I could attend more closely to my own, and had more of the taste for gain—the *sacra fames auri*. But I am afraid the bump of acquisitiveness is omitted with me unaccountably, and that I might as well try for music or dancing as for State-rights and faith in Jefferson, which seems admirably calculated to serve one in this world, whatever it may do in the next.

In those days when a man, either lawyer, doctor or merchant, had achieved some success in life, to buy a rice plantation was considered the proper thing to do. To restrain Mr. Petigru's lavish hand his friends thought that the best way was to have him go in debt, which he was sure to pay. Accordingly, for the gratification of his wife and his friends he bought a rice plantation on the Savannah River a few miles below Savannah. The cost of the plantation was probably about \$35,000. He bought 137 negroes for a little less than \$300 each, equal to about \$41,000. The original lists show that the children below 14 years old amounted to 28% and the superannuated to 8%. He also joined his friend James Hamilton, Jr. (the Governor) in the purchase of a plantation on the Ogeechee River.

Anxious as he was, notwithstanding his opinions, to devote himself to his profession and his domestic affairs, he was not able to resist the importunity of his personal and political friends. There had been a severe contest for the city government.*

*For intendant:—J. R. Pringle, Unionist, received 838 votes, and H. L. Pinckney, Nullifier, 754, a majority of 84. *Charleston Mercury*, September 6, 1830. Henry Laurens Pinckney was a man of great talent, and his extraordinary flow of language gave him great control over the multitude. He was always a devoted satellite of Calhoun. He was the son of Charles Pinckney, one of the framers of the Constitution, who was educated by his uncle, the Chief Justice, and was first cousin of his highly honored relative, Charles Cotesworth Pinckney. Frances Pinckney, sister of Henry Laurens Pinckney, was the first wife of Robert Y. Hayne.

James Reid Pringle was always a Union man, and one of the leading lawyers of the city. He was afterwards collector of the port. He was one of the most courteous men of his day.

Another was pending for the House. He says: "We are about to begin another canvass, which will be more exasperating than the election of the last intendant. I am in for it, according to my usual luck. They have impressed me for a senator—nothing less than impressment. I resisted stoutly and bawled lustily for help, but none would help me, so nothing was to be done but take my place in the team. * * * If I am elected, I shall see much of you in Columbia, for I suppose your election is certain, since Beaufort, it is said, is willing to go the whole length of Governor Miller's course—ballot-box, jury-box, cartouch-box. I wish Elliott were here, where his soundness would be more appreciated than it is among your insurging people. Strange, too, that Beaufort, the most exposed place in the State, should be most eager to rush into danger. But many ingenious gentlemen of my acquaintance are seriously of opinion that the same Yankees whom we now accuse as shameless robbers, would desist from hurting us as soon as the Union is dissolved; that we should only have to do like an indignant gentleman who turns his back upon a man he dislikes, and lives beside him for the rest of his life without speaking and without fighting."*

After the excitement attending the election for intendant had died out the members of the legislature were yet to be chosen. The Nullifiers put forth Colonel Richard Cunningham as a candidate for State senator. The Union party insisted that Mr. Petigru should take the field against him. To fit himself for the contest he resigned the office of Attorney-General. With what reluctance he yielded to the importunities of his friends is shown by the previous letter. The result of the election is given in the *Mercury*, October 11, 1830, as follows:

State senator, Richard Cunningham received 1,268 votes and James L. Petigru received 1,243 votes.

The other members of the legislature elected were about equally divided between the two parties. Among those of the Union party elected was H. S. Legaré. It was with no small degree of satisfaction to Mr. Petigru that in a few days the legislature elected Mr. Legaré to the position of Attorney-General which he had vacated, and also that his friend, Judge J. B. O'Neill, was promoted from circuit judge to judge of the Court of Appeals. In later life O'Neill became president of the Court

*Grayson, p. 120.

of Law Appeals and of the Court of Errors of South Carolina. James Hamilton, Jr., was elected Governor.

On December 14, 1830, an election was held to supply the place in the House of Representatives made vacant by the resignation of Mr. Legaré, the result of which was that Mr. Petigru received 1,266 votes and E. R. Laurens received 1,041, a majority for Mr. Petigru of 225. (*Charleston Mercury*, December 16, 1830.)

In reference to this event Petigru thus writes to Mr. Poinsett:

TO JOEL R. POINSETT

Charleston, December 15, 1830.

My dear Sir:

After a long spell of bad weather we have at last a little sunshine. The result of the election was declared about one half after 11. I have a majority of 227 which is 80 more than Mentzing had over Godard.—I believe Laurens had the full support of his party. Some few persons from private regard did not vote. Magrath* was the most considerable and influential of those I have heard of, who took that course. Boyce† voted for me. In fact they have treated Boyce very ill. More than a fortnight ago, the proposal was submitted to put him forward as the candidate of both parties—and it was urged that this was due to his feelings because they had taken the liberty of making him a candidate before without waiting for his consent and he was not on our ticket, merely because we did not think ourselves authorized to put him on it. In these circumstances he was not only defeated but at the bottom of the list. And this was the time for the State rights men to make amends to his feelings; but they declined the overture.

I felt a great anxiety to get up an opposition, for the purpose of encouraging our friends at Columbia. A minority is always in danger of becoming less, and Mentzing's majority over Mr. Godard might lead people to suppose that you were deserted by your constituents. As to going up at once to take my seat, it seems to me unnecessary. The fatigue is not to be considered at all, but I am very anxious to go to Savannah River. I will not determine till to-morrow. I see no use in going if the house is to adjourn on the 18th, but if I was sure it would sit till Tuesday it would make a difference. The mail will come to-morrow and perhaps I may hear some news from some of you that will

*Andrew Gordon Magrath, afterwards U. S. district judge and governor of South Carolina 1866.

†Ker Boyce, one of the most successful merchants of Charleston.

enable me to decide. A great deal of money has been lost in the election. Bets were made to a large amount last night. Old Dawson at Mrs. McDonald's won 500 dollars betting on a majority of 200. I have heard of several large bets on our majority which have been gained.

I left in Alfred's room the papers you were good enough to undertake to bring for me. They are deeds, etc. Have the goodness to put him in mind of it.

Yours truly,
J. L. PETIGRU.*

At a meeting at Seyle's Hall, Petigru referred to the result of the election in these words:

"If the departed spirits of the great and good are permitted to watch over the living, the soul of Washington must look on these proceedings and bless them for his country's welfare." (*Courier*, December 30, 1830).

TO WILLIAM ELLIOTT

Charleston, August 25, 1831.

Dear Elliott:

On the subject of a paper in Beaufort, I have talked with some few of our friends and there seems to be some difference of opinion. I am afraid that discussion will do nothing for Beaufort and St. Helena. The majority are just sufficiently numerous to constitute a good Jacobin Club, and I presume they are about as accessible to reason as those most incorruptible patriots. If you establish a paper in Beaufort, it will embitter the parties against one another and keep them from forgetting the division, and, out of Beaufort, the paper is not likely to circulate. I am in great hope that the *Gazette* will now die a natural death. Be assured, neither Grayson nor Fuller† will stick to the business six months, unless we do something to make it a question of pride. I wish you would go to Philadelphia. It will be an interesting meeting probably, and our party will be well represented. If Judge Huger don't go, however, it will be more necessary for you to do so, in order that our low country delegates may have some one to look to, who is not so much a stranger as Middleton, nor so entirely a man of books as Legaré. The suit on Holmes' bond begins to excite expectation. To-day the report is that Tazewell is to argue the case for Holmes and that \$2,000 are sent on to insure his attention. I have it from the very highest authority, and no doubt he has been writ-

*Original in the New York Historical Society.

†Richard Fuller, afterwards a distinguished Baptist minister.

ten to and has the promise of the party of \$2,000 if he will come. Your essays in the papers have always excited a great deal of attention and are decidedly more talked of than any anonymous writings of the times. Is it not, as I have surmised, that the majority of St. Helena and Beaufort are helpless? The planters are all Jacobinical, more or less. They are fond of two things together, which are power and liberty. In every strife we find them against the established order of things and it always must be so. The planter is necessarily proud and his want of education condemns all but the small class, that stand at the head, to witness with great heartburning the consideration paid to polite education and talents. I have much hope that the other parts of Beaufort district are more sound. I would like to hear from you, and if you care for the party chit chat, will take pleasure in giving you a taste of it occasionally.

Yours truly,

J. L. PETIGRU.

P. S.—The Union party, after going on with marvelous discretion, have just come to something like a stump. They thought to send tracts into the country; B. F. H.* had the lead and undertook to superintend. He wrote the prospectus devilish well, too, but unluckily he steps over the line and, as our orthodox say, defends the tariff. Cardoza has denounced the paper and I don't know whether H. will explain or be sulky. He is not known; the paper is quite anonymous and of course you are not to guess at his name.

The Honorable William Elliott was the grandson of William Elliott and Mary Barnwell. He married the daughter of Thomas Rhett Smith, a cousin of Barnwell Rhett Smith. William E. Gonzales, of the *Columbia State*, is his grandson. He was a graduate of Yale College. By occupation he was a planter. He wrote many brilliant articles on political and agricultural topics,† and was the author of "Carolina Sports," a model book of its kind. He was a senator from Beaufort County and a strong Union man during nullification. In 1862, when Beaufort was occupied by Federal troops under General Hunter, during his absence his beautiful house in Beaufort was confiscated under the legal form of being "sold for taxes."

*B. F. Hunt.

†Notably, his report to the South Carolina Agricultural Society as to the honors awarded to Sea Island cotton at the Paris Exposition.

TO WILLIAM ELLIOTT

Charleston, September 7, 1831.

My dear Elliott:

We are egregiously beaten. They outdid us in manœuvring and succeed, I believe, beyond their own expectations. The information you had was good. They did buy those that were sold before and practiced new and unheard of means. They kept men drunk, locked up, broke houses and carried them off and, in fact, did everything that was audacious. There is an immense advantage on their side, that their men who follow the craft of electioneering, have nothing else to do. And they possess a greater degree of impudence than our folks, and have more credit for character, with fewer scruples of conscience. We shall not give up, but take another fall with them in October. The day, however, has really come when passion is openly preferred to reason, and as long as they can play the part of patriots and resist the constituted authorities at the cheap rate of blustering and bawling I believe they will continue to draw more fools into their circle. As the real character of their measures, however, develops itself, they will be deserted. This old quarrel between liberty and licentiousness is very disagreeable. One of their bullies, "Jack Ashe," was killed last night by one of their own fellows, in a drunken brawl. He was good for at least fifty votes to them. I am expecting every moment to be called to assist in the ceremony of swearing in the new intendant, and must conclude and wishing you better news from everybody than from me.

Yours truly,

TO WILLIAM ELLIOTT

Charleston, November 14, 1831.

Dear Elliott:

I have been on the go for the last two or three weeks. Seen Columbia, Georgetown, etc., and listened to a good many things, but nothing to compare with the graphic touches of your pen in relation to the Beaufort revival. You really are the only man, that has caught the secret of Swift and can make one scream with laughing, while your own gravity is maintained all the while to admiration. I suppose, by this time, the fire has consumed everything in Beaufort that will burn. I see our senator has taken leave of his constituents and, I suppose, he steps into Mr. Joyner's shoes as commissioner in equity. If it is he who still indites the editorial articles, I am afraid that Mr. Baker* must administer more hell fire, for the traits of the old insanity

*A Presbyterian minister who was the head of the great "Revival of Religion" in Beaufort district.

are still but too plainly visible in his last remarks. No doubt, as one nail drives out another, nullification will give way to religion in some cases, but our little fellow Pinckney has been vastly devout for six months, without any visible change in the filthiness of the outer man. It is the inside only of the cup, which is cleaned; his malignity, baseness and unhappy proclivity to falsehood are as great as ever. I perceive that Dr. Capers is to be Grayson's successor, from which I suppose, there is no hope of any effectual opposition. If you could only join us at the Senate in Columbia and Smith should be elected, as I hope he will be in York, it would be a great change for the better. I was at the meeting at Black Oak, last Friday; St John's is very much divided; it can not, with safety, be counted for us. The senator, White, has gone over to the enemy. The Representatives, Gaillard and Dwight, are firm. In Georgetown the parties are nearly equal; a little will turn the scale either way. In the districts on the Pedee, above Georgetown, the Union predominates, and Ervin, former senator from Marlborough, is moving with the greatest activity and zeal on our side. It is perfectly uncertain whether they will attempt to nullify at this time. There is an ambiguous denial of it in the *Mercury*, and Harper's and Preston's speeches at Columbia, are the same way. Huger gives a very interesting account of the Philadelphia convention. It is certain Virginia will not patronize nullification and the signs from Georgia are very favorable. Our State now rocks and it depends on our neighbors whether the revolution shall proceed. If they are firm, the freetraders will be obliged to strike, and I don't think the day is far off, when they will cease to wear "those sweet smiles of assured success" which, the *Times* says, our patriotic governor* exhibited at Columbia. Jackson's prospects are brighter than ever at the North. The nomination of Mr. Wirt by the Antimasons, has confounded Mr. Clay's friends. It is thought he will hardly be regarded a candidate except in Kentucky and Ohio.

Have you seen Middleton's letter to his constituents? He speaks of the Freetraders in not very measured terms. Cooper† at Columbia is in great trouble. We must move his expulsion, and nothing but a party vote can save him. If it be true that his party intends to desert him, he must go. Adieu.

Yours truly,

*James Hamilton, Jr.

†Dr. Thomas Cooper, president, South Carolina College, 1820-1834. He was finally turned out. The college had been almost destroyed through his presidency.

CHAPTER XV

1832

THE UNION PARTY AND NULLIFICATION

Ordinary politics were very little to Mr. Petigru's taste. He infinitely preferred the pleasure of social intercourse with his friends and the discharge of his professional duties. Nevertheless when he once espoused a cause he gave himself to it heart and soul. To the Union party he devoted the services of his pen by contributing able articles to the columns of the *City Gazette* and of the *Courier*; made many popular speeches; gave them the full benefit of his great learning and ability, was the "soul of their councils" and became the acknowledged head of the Union party in South Carolina, though after his accustomed fashion after doing all the work he put others forward for the praise and reward.

How much he detested the dissensions and divisions among friends which the nullification controversy created, is shown by the following letter to his sister, Mrs. North.

TO JANE PETIGRU NORTH

Charleston, June 13, 1832.

My dear Jane:

We had a grand meeting of the Union party last night, Mr. Henry Middleton* in the chair, and passed resolutions declaring our adhesion to the Union and our reliance on a southern convention. They did not pass without debate—Mr. Grimké† opposed them in a speech that was argumentative and eloquent; but, the great majority voted with us—and I believe Grimké is satisfied that he has done his duty, and if any harm comes of it, he is not to blame. Mr. Blake White also offered to support Mr. Grimké, but, he began after 10 o'clock and the folks cried out for the question, which I was sorry for—and he could not go on. We think it will make an impression on the country, and that if Mr. McLane's bill passes, which is expected, they will rather acquiesce in the bill than try either nullification or southern con-

*Member of Congress and governor of South Carolina. For many years minister to Russia and often called "Russia Middleton."

†Thomas S. Grimké, a lawyer of great learning and high character.

vention. But as yet, there seems to be no disposition on the part of the indignant patriots to accept of any compromise.

I suppose you know that I am going to Edgefield. I expected to set out tomorrow in my own carriage, but one of the horses is lame, so I shall go in the stage to Edgefield and depend upon hiring or borrowing; James Smith* (a brother of Barnwell) is to deliver the oration for the Union party, but we shall not have a grand dinner and all that, unless the Nullifiers turn out and parade, and then we will. Poor Judge Prioleau† is despaired of; he has had a second stroke of palsy—he was taken on Monday afternoon and is speechless but sensible. It is really very distressing—one of the best men in the relations of domestic life that I ever knew—one whom I so much esteemed and have been so intimate with and now he is going to die, and these cursed politics have made me almost a stranger to him.

YOUR BROTHER.

On the 27th of April, 1832, the Secretary of the Treasury, Mr. McLean, presented a tariff bill (mentioned in the previous letter) in answer to a call from the house. It was planned to raise twelve millions of revenue. It was proposed to collect fifteen per cent on imports in general, with special and higher rates on the great protected commodities. This was the administration plan.

The battle raged over the whole field of politics and political economy.

The act as finally passed on the 14th of July, 1832, reduced or abolished many of the taxes. It did not materially alter the protective taxes. The tax on iron was reduced; that on cotton was unchanged; that on woolens was raised fifty per cent. This was the position of the tariff and nullification when the presidential election was held.

On the passage of this act the people of South Carolina thought that the limit of proper delay and constitutional agitation had been reached. The volcano was nearing eruption.

*Now *Rhet.*

†This refers to Judge Samuel Prioleau. His first wife was Hannah Hamilton; his second wife was Elizabeth Lynch Hamilton, sisters of James Hamilton, Jr. His second wife was the mother of Charles Kuhn Prioleau, of Fraser, Trenholm & Company, Liverpool, the financial agents of the Confederacy in England during the Civil War.

TO WILLIAM ELLIOTT

Sullivans Island, August 7, 1832.

My dear Elliott:

I received your letters, and if I did not answer the first, it was because, what with moving and other troubles, I was put off the course of my better thoughts. I wrote to Colonel Drayton, begging him to get, if possible, the southern members to unite either upon recommending the bill or some course of opposition, and since he came he told me he had endeavored to do so, but could not. The reason is pretty clear since the Georgia members have disclosed themselves. Have you seen Clayton's speech and toast at Laurens and have you seen the *Augusta Constitutionalist*? The editor has done a very bold act: he has struck out of his paper the Troup nomination of members of Congress, made by the party last December, and says, before that ticket is printed again in his paper, he must be better informed of the intentions of those gentlemen in the crisis of our affairs. This is a leading Troup paper and it portends a breaking up of the party. The *Federal Union*, the leading Clerke paper, republishes Oglethorpe with praise and classes drunkenness, cholera and nullification together, as the three curses of the nation. On the other hand, the *Chronicle*, of Augusta, a Clerke paper, is in the most intimate union with our association, and the Nullification party in the State is nearly equally divided between the Troup and Clerke parties, and it seems to me impossible that these parties can longer be kept together on their distinctive grounds. The Nullifiers must unite and their opponents will unite of necessity. Wayne and Forsyth are the only Georgians who, in Congress, have stood by the Union and this schism is, I believe, extending in North Carolina and Alabama. Things will come to a crisis and perhaps it is better that the question should be made in the other southern States now. It will perhaps have a good effect in more ways than one. The zeal of our State doctors will not be so great, if they anticipate rivals in other States. They want auxiliaries, but they will be chagrined if they find that Troup and Clayton are disposed to lead. It would be just like Calhoun if he were to come forward to save the Constitution at its last gasp. I should not be surprised if he were to astonish the natives with another somersault. We will do our utmost in the city and have hopes of carrying the city election. If we do, there is no telling what the State election may turn out. And if Judge Richardson is not mistaken, who is confident of eight districts beyond the Pedee, we are pretty sure of defeating the convention again. You are pledged and must keep your word. I see no use, but on the contrary, great inconvenience in your resigning. If your friends were willing to release you, that would be another thing, but, I suppose, as they are admitted again to the fold, they would do nothing of

that kind. Encourage the "*tristes reliquiae belli*," the faithful Unionists of Beaufort; we are strong enough to save the country if we have patience. Will you not call a meeting to send delegates to Columbia? We must do it. The Sumter people insist on the meeting and Judge O'Neale thinks it expedient for his part of the country. Nominate a full ticket. Let us make a goodly show and put forth a strong address, the object of which will be either acquiescence or convention. We may call for convention as loud as we please; it is not likely the other States will join in convention, as long as they keep down nullification without it. And the address will have a good effect on the election. Let me request you to prepare one. It ought to be well done and none of us could do it as well as you. I have had bad luck with mine and don't intend to try this time. How did you like the last? I mean that for the Union meeting, where Mr. Middleton presided. I wrote Grayson a letter the other day, quizzing him horribly. I wish he would show it to you. It is a melancholy sign, when honest men like Grayson are so willing to be deceived, that they will repeat not only what is untrue, but what can be proved to be false in five minutes, and will continue to abuse their conscience by devotedly believing it, after it is proved to be false. This reminds me of the club. I agree that the times would justify it in us to meet club with club, but, can we get a gang to oppose robbers, as easily as robbers unite in gangs? I think not.

Yours faithfully,

TO WILLIAM ELLIOTT

Charleston, August 24, 1832.

My dear Elliott:

I write but a line to tell you I have read your address with great pleasure and spoken to little Estill, who will go about the printing on Monday. The price of 200 or 500 is much the same, 20 dollars. If you will send me the rest of the copy, I will attend to it and forward them to you as soon as done. We are going about the election in good earnest. It seems to me almost impossible we should lose it. I really begin to think a reaction is taking place.

Yours truly,

TO WILLIAM ELLIOTT

Sullivans Island, September 4, 1832.

My dear Elliott:

We have lost the city election.*—Not only so, but a majority

*For intendant—

H. L. Pinckney received 1,112 votes.

H. A. Desessauze received 950 votes.

Majority for Pinckney 162 votes.

Charleston *Mercury*, Monday, September 3, 1832.

of 162 against us. The election was conducted very scandalously in many respects. The guard and paupers voted in defiance of law and shame. They actually admitted it was an evasion of law, and said they did it on their responsibility. In other instances, particularly at the poll where A. H. Brown managed, there was great partiality in admitting, as well as in rejecting votes. I fear the consequences on the State elections, and our only consolation is, that we did our utmost. The truth is, the public mind is poisoned. I never felt so shocked as by the shameless disregard of all sense of justice exhibited yesterday. An awful warning of the temper of revolutionary tribunals. Estill has finished your book. As soon as Bythewood* sails or any other opportunity occurs, 300 copies will be sent you; 500 are printed. I thought I would retain the others for distribution. I don't know the exact amount of Estill's bill, but will let you know. I shall go to Columbia; I wish you would go too.

Yours truly,

P. S.—I am more and more pleased with your production in print. I am much mistaken if it does not make a strong impression.

Proceedings† of the Union and States' Rights convention at Columbia, South Carolina. Convention met pursuant to adjournment. The minutes of the proceedings of the first two days were read.

Mr. Petigru, from the committee, reported the following address and resolutions which were submitted to the convention:

To the People.

At this period, when the controversy by which the State has for years been distracted is drawing to an issue of fearful import, the delegates of the Union party assembled at Columbia, invite your solemn attention to the consideration of the best mode of providing for the public safety. They solicit your co-operation in a common effort to sustain the prosperity, and if possible the peace of the country. There is no tariff party in South Carolina; we agree on every side that the tariff should be resisted by all constitutional means. So far there is no difference of opinion; but we are divided as to the character of the means that should be employed; and resistance by nullification is the fatal source of bitterness and discord. Even those who are in favor of nullification differ widely as to its character. It is recommended as constitutional and peaceful, but when explained even by its

*Captain of Schooner Clutch & Benefit.

†Charleston *Courier*, September 15, 1832.

advocates it assumes many different aspects, and furnishes an evil omen of interminable strife.

Regarded as a peaceful remedy, nullification resolves itself into a mere lawsuit, and may be shortly dismissed as a feeble, inefficient measure. For it has been wisely provided that the Constitution and acts of Congress made in pursuance thereof shall be the supreme law of the land—and in a court sitting under the authority of the Constitution, the merits of the question could receive no aid from the high-sounding terms of an act of nullification. Regarded as a forcible interposition of the sovereign power of the State, the objections to it are far deeper. It is not a mere infraction of the Constitution which, like an external injury leaves its great utility unimpaired, but a radical and fatal error.

The theory renders the Constitution a dead letter—and the practical enforcement of the doctrine is the beginning of Revolution. A Government inadequate to its purposes can not in the nature of things maintain its existence. The great end and aim of the Constitution is to preserve the union of the States, and by that means the harmony and prosperity of the country. The old Confederation proved inadequate to that end, because the execution of its resolutions depended on the will and pleasure of the several States. The convention which formed the Constitution owed its existence to the necessity of giving to the general Government the power to execute its own laws. If the several States can nullify an act of Congress like the tariff, that power can not be exercised, and the federal government must follow the fate of the Confederation. It is in vain to argue against facts. The theory of nullification falsifies the history of the country. It is monstrous to contend that the framers of the Constitution did not invest the general Government with power to execute their own laws, or that without such power a union can exist.

The restriction of the State veto in its terms to laws declared by the State to be unconstitutional is merely nominal. In practice it can make no difference, for whether the laws be unconstitutional or not, the effect of the nullification must be the same. If one State has the jurisdiction to declare a law unconstitutional, every other State must have the same; and the Constitution can have no settled meaning. It is vain to say the powers would be lightly exercised. If it were a power which the States possess, if the right was acknowledged, there would be no more difficulty or reserve in the exercise of it now than under the Confederation. A veneration for the Constitution may prevent infractions, but can have no application to the exercise of the right when it is once admitted to be constitutional. According to the theory of nullification any number of States, more than one fourth of the whole, may change the Constitution. For in

case a State shall nullify an act which that very State in common with all the others had formerly recognized as legitimate, or any law that is really constitutional, unless three-fourths concur in favor of the law so nullified, the Constitution will, to all intents and purposes be changed; and this power of a minority to alter the Constitution is deduced from the express provision that it shall not be altered by a majority of less than three-fourths. By the same rule, if unanimity had been required in all amendments, the Constitution might have been changed by any one State. Such fallacy requires no exposure. A construction which destroys the text and gives to words an effect directly opposite to their sense and meaning is too gross for argument.

Such are the objections to nullification in theory. It is not merely an infraction of the Constitution, but a total abrogation of its authority. But in practice a dissolution of the Union is one of the least of the dire calamities which it must inflict on the country. A *secession* from the Union might *possibly* take place in peace, and would only impair our national defense, put our independence in danger, and give us up as a party to foreign influence, with its usual consequences of domestic factions and frequent wars. But *nullification* in practice must produce a direct collision between the authorities of the States and those of the Union. It would place both parties under the necessity of a conflict, and ensnare the citizen between inconsistent duties, adding to the disasters of war the cruelties of penal laws. It may be said by the advocates of nullification that the State is entitled to the unqualified allegiance of its citizens, and that the decrees of a State convention would supersede all other obligations. Without stopping to examine the correctness of this doctrine, it may be conceded for the purposes of argument, that if the State authorities command us to withdraw our allegiance from the general Government we are bound to obey. But nullification proposes to be a constitutional remedy—and whilst it calls upon us to resist the constituted authorities, it commands implicit obedience to the Constitution of the United States; can anything less than humiliation and defeat be expected from such a tissue of inconsistencies?

But if nullification be considered not as a constitutional power, but as a high prerogative, and an exception justified by great emergencies, it must in principle be the same as the right of resistance, which is recognized by the principle of freedom as a right paramount to all constitutions, and is but an application to the State as a political body of the same principle which prevails in every case between the people and the government. But as this exception is by its very nature beyond all law, it can not be incorporated into the rule of the Constitution. The question in all such cases is, whether necessity exists; whether the

magnitude of the evil is such as to justify a resort to revolutionary force.

We cherish a sacred attachment to the Constitution, and deplore and deprecate the effects of that rage and passion, which in the correction of abuses would sweep away the inestimable institution of freedom. If nullification was not fatal to these institutions there would be no dispute among us, and when the vital and essential interests of the State are in jeopardy, we should think no risk too great for their preservation in the last resort. But it would little comport with patriotism or prudence to incur all the calamities attendant upon the destruction of social order, if any plan can be suggested for the removal of the burthens of the tariff (already considerably diminished) by safer and more eligible means. We believe that the times call loudly for the adoption of such a plan, and that no insuperable objections stand in the way of a cordial co-operation of all parties. Let the southern States meet in convention and deliberate as well on the infraction of their rights as on the mode and measure of redress. The States of Virginia, North Carolina, Georgia, Tennessee, Alabama and Mississippi are equally concerned with us in all the consequences of the tariff. If the freedom and prosperity of one are involved in the issue, those of all the others are equally concerned.

Whatever advantages may be expected from nullification as a constitutional check, can only be realized by a concurrence of the States that are interested, and such a co-operation appears to be clearly intimated by the Virginia Resolution as the proper proceeding in such cases. And if nullification be regarded as an appeal to the principle of resistance, it would be madness to expect success without the support and countenance of those States. If the States which are injuriously affected by the protective system, concur in regarding the ordinary constitutional checks as insufficient to restrain the general government within its proper sphere, such interposition as they may advise, will be most effectual and productive of the smallest injury.

Even those who support the opinion that nullification is a constitutional and peaceful remedy, admit that it is only to be resorted to in extreme cases, and on the ground of great public necessity. And how shall we be satisfied of this necessity but by the support and concurrence of those States who are equally interested? Many causes may conspire to create an excitement in one State out of all proportion to the magnitude of the evil. But if the excitement is general and prevails as widely as the mischief extends we may be sure that it does not proceed from prejudice or accidental causes, and that the crisis has arrived for the intervention of an extraordinary remedy. It is due to the veneration in which the Constitution ought to be held, to the responsibility which we are under for preserving it inviolate,

that no measure, involving in its consequences so essentially the stability of the Government as nullification confessedly does, should be undertaken except by the concurrence of such a number of States as are invested with the restraining or negative power in the case of amendments.

Such are the advantages of a southern convention. The objections to it may be easily disposed of. It is not unconstitutional. The States are prohibited from entering into treaties or confederacies among themselves. But a southern convention will form no treaty or compact of any kind. Their object will be to deliberate, to enlighten, and give effect to public opinion. Nor will their deliberations be injurious to the Union. If the States who are aggrieved by the tariff laws act in concert their claim will in all probability be conceded; but if the very worst that can be imagined should happen, and their demands be capriciously rejected it will be for the several States and not for the convention to act on the subject. The advice of the convention will no doubt have great weight, but it will be salutary influence, not a legal control.

In the spirit of amity we make this appeal to our fellow-citizens. The glorious inheritance is at stake. The same blow which destroys the union, levels to the ground the defences of liberty. Under the Federal Constitution we have enjoyed all which the patriots of the American Revolution desired to see. Our country has increased in riches, in knowledge, and in honor. And those who offered up their lives in the cause of America would have closed their eyes in peace if they could have been blessed with a vision of that future which we have enjoyed. The happiness of our citizens has formed the admiration of the wise and good; and now when the scene is changed, and discontents created by the acts of Government, have brought the Constitution itself into danger, it depends on the moderation and wisdom of the sons of liberty, to repay in some degree the debt of gratitude, by transmitting the same inheritance to their posterity.

1. *Therefore Resolved*, That while we deprecate nullification as founded on principles subversive of the Constitution, we would willingly and cordially unite with our fellow-citizens of the Free Trade and States Rights party of this State, on any ground which promises a redress of our grievances, without involving a violation of the Constitution of the United States.

2. *Resolved*, That in case of concurrence of the States of Virginia, North Carolina, Georgia, Tennessee, Alabama and Mississippi, this Convention do earnestly recommend to the citizens of this State to meet in their several districts and elect delegates to attend a general meeting of the citizens of the said State in convention, to take under consideration the grievances under which we labor, and the means and measures of redress.

3. *Resolved*, That we solemnly pledge ourselves to adopt, abide by, and pursue such measures in relation to our grievances, as the said convention shall recommend.

4. *Resolved*, That a committee of nine be appointed to correspond with their fellow-citizens of the said States, and in case of their concurrence in the proposed convention to give notice of the time and place of holding the same, and fix a day for election of delegates from the several districts of this State, and that a majority of the acting members of the committee be authorized to supply any vacancies in their numbers as the same may occur.

The above report and resolutions adopted by the convention by a vote of 112 to 1.

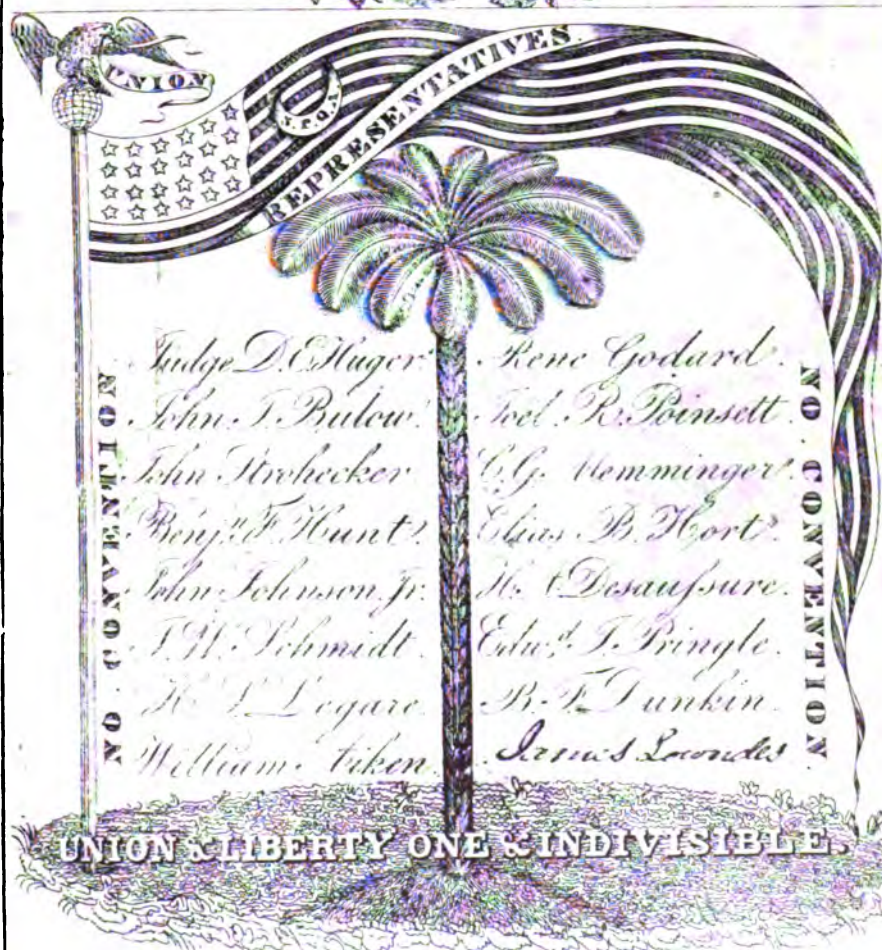
TO WILLIAM ELLIOTT

Charleston, September 20, 1832.

My dear Elliott:

I suppose you have seen our proceedings in Columbia. We regretted much that you were not there. We went on smoothly. Brisbane from St. Georges made a speech against the Resolutions, which, the Nullifiers in the gallery applauded, till they were told that he was mad and then, they were vastly chagrined by this evidence of the likeness between him and their great men. I would hardly write to you now, if I did not wish to tell you how rapidly your address to your constituents was caught at. I carried up nearly all the impressions besides what you have and they were called for again and again after they were all gone. I left a few here and Estill tells me there was such a demand for them, that he kept them no time, and speaks of publishing a second edition. More than all, I believe it has had great effect in making him a good Union man. As to our prospects, they are not as flattering as I could wish. The idea that we are the weaker party has great influence in making us still weaker. If we had missionaries to traverse the country as they do, I believe firmly we could dispute the ground with them successfully. But we have none. Even now, I am invited to Barnwell and, after balancing the pros and cons till I am tired, I am not able to go. If I was independent of the shop, I would take the field in earnest. Cheves'* second number is coming out; he ought to put his name to it. "Occasional Reviews" is a ridiculous title for a controversial political pamphlet. As far as the manner of publishing can weaken the effect of his opinions, he has made sure of de-

*Hon. Langdon Cheves, Speaker of the U. S. House of Representatives, law judge of South Carolina, president of the United States Bank and finally a most successful rice planter on the Savannah River.



priving them of any dangerous authority. One important fact I must tell you and this is, that these delegates at Columbia were nearly all in favor of resistance to Nullification, whether by the "*Legis Latinae*" or convention. They are to assemble again in December and with a view to that very question, which, I have no doubt, will be decided in favor of resistance and, if they nullify, the sword will be drawn in good earnest. I speak, of course, on the supposition that the act is accompanied by penal laws or any encroachments on the liberty of the citizen. Adieu.
Yours,

TO WILLIAM ELLIOTT

Charleston, September 28, 1832.

My dear Elliott:

Your resignation was, I've no doubt, considering all circumstances, the best thing you could do. When sedition rages in a great city, there is some consolation amidst the risk of resisting and quelling it, in the dignity of the position. But, in a petty borough, among a feeble, hot-headed set, what is one to do but leave them to their folly? I suppose your remonstrance has kindled their zeal anew. In every other part of the State your address has been received with admiration. A second edition has been printed, in consequence of the first impression being entirely taken off. It is quite in character, however, with the petty malice of a community like Beaufort, that lies at the mercy of every enemy, to resent an appeal to their reason, which, coming as it does, from one of their fellow citizens does them more honor than all their town can boast of. The circumstances, at which you have hinted, that led immediately to your resignation, are not known here, and it is taken for granted that you resigned rather than vote for convention. Probably it is as well to let the impression remain so. The editors, I believe, have said nothing about it, though from my stay on the island I am not in the habit of seeing the papers regularly. It will be "touch and go," as they say, about a convention. If we break their ticket in town the convention is lost; if we do not, it is perfectly uncertain. The doubtful districts are York, Chester, Newbury, Union, Laurens, Claremont, Georgetown, Barnwell, Abbeville. Of course you have seen Calhoun's last piece. I think it requires answering and that he is entitled to some credit for the skill with which he has put together his materials. But it is a paltry affair. Disconnected from the excitement of the day, the reasoning would be little attended to. He has abandoned the old ground of each party judging for himself, and now stands altogether upon the allegiance—the exclusive and absolute allegiance of the citizen to the State. There is no such allegiance and his declaration that there is no such thing as the

American people is unworthy of a citizen. But, even if it was so, the difficulty remains: what is to become of the other States? South Carolina is not entitled to their allegiance and they have not merely a natural but a positive right to have the Constitution enforced on the people of South Carolina. I hope Mr. Cheves will take up the argument and push him to the wall. We are working very hard here and have some hope—a good deal of hope; in fact, we don't think of giving up. It is very desirable that we should know what are the Union votes in every district. I have been told repeatedly you ought to stand again, which I have discountenanced. If you have any gentleman, however, that will put up his name, merely by way of showing there is a minority and what it is, I would be glad.

Yours truly,

TO WILLIAM ELLIOTT

Charleston, October 3, 1832.

My dear Elliott:

I am going off to-morrow to Inabinets in St. Georges to address some citizens at a barbecue, and can not put off acknowledging your letter of the 26th till I come back, considering too, that it should have been done before. I hardly know what to think of your Beaufort. For a quiet and rather a dull place, it has become another name for sedition. It has no populace and very few houses, but it certainly lacks little else to make it a match for the most seditious place in Christendom. I have no doubt, however, that your people acted by order and that the edict was to purge the parishes. The movement was made in St. Helena, St. Bartholomews, and St. Thomas. I suppose you have seen Huger's letter: he will not resign. There is no sort of doubt that the exaction of your promise to abide by the voice of the parish in regard to convention was unfair, as it was, in fact, another way of voting for nullification. But when they claimed your vote for nullification itself it was downright impudence. I suppose they go for the right of instruction in all cases. A. Huger's brother told me this morning he ought to resign, for a representative was bound to obey the will of his constituents. I have not spoken to old Deas on the subject, but I suppose they will determine that you can resign, although I see some notice in the newspapers of doubts and Wardlaw of the *Carolinian* very impertinently requests you to change places with Grayson. I think, if I were in your place I would not attend the Senate and let them get out of the difficulty (if there is any) as well as they can. And now as to your resigning, I think you were perfectly right. You were so situated as to make it impossible for you to hold on without doing more harm than good. A place like Beaufort is very different from St. Thomas Parish. There Huger

may hold on and it will make no feud nor produce any quarrels. But you grieve me when you say the Union party has melted away. That is one of the worst symptoms of the revolutionary times; it shows either madness or terror when everybody seems anxious to be in the majority and there is a rush for whatever is uppermost in parties. So we shall not meet at Columbia, even if I am elected and that is a great doubt. We are making great efforts but the Nullifiers have resorted again to bribery. I suspected they were going to do so from their absurd punctiliousness a week ago. We shall expose them and use no money and if our rogues—I mean those who are used to money—don't desert we shall yet do well. I'on will probably lose Christ Church. Rose will have a contest for St. Thomas and Shoolbred is a candidate with some prospects from St. James Santee. There is a great struggle for Goose Creek; we have an unfortunate candidate, Davis; he is under the imputation of returning no property in his own name. We are very anxious to run a ticket in every district with a view to ascertain the numerical strength, but I suppose there will be none in any part of Beaufort district but St. Luke's. Do send over the Union votes if we have any, to give Allston a help. Does not Turner own some land in St. Luke's? Adieu.

Yours faithfully,

P. S.—I hope you have by this time received my answer to your first letter, *i. e.*, the first after you had resigned.

Unpledged Republican Ticket

James R. Verdier	} Representatives.
John Fripp	

Ticket printed; nothing else at present.

Petigru made many speeches during this exciting period. All of them were masterpieces of wit and humor. Those who heard them spoke of them as models of popular eloquence. They abounded in pithy reasoning, pointed illustrations and apt allusions. He never committed the mistake, common to stump orators, of attempting to lower himself to the level of his audience, but raised them to his own level of good, pure, unadulterated and forcible English. No stilted style or bombastic language weakened the force of what he had to say. In one of these speeches, at a meeting in a neighboring parish, he impressed upon his hearers the dangers they would incur if the Union were dissolved.

"I see," he said, "some broad-shouldered and deep-chested men among you; but who of this assembly would undertake, with all his muscular power, to strip off with a single pull with

both hands all of the hair from the tail of one of your horses that stand hitched behind you among the trees? It would be impossible for the strongest. But the weakest among you, if he takes the hairs one by one, might pull them all off very easily and leave the stump as bare as his hand. It is thus that disunion would expose you to be stripped by enemies that you now despise."

Coming home from the meeting, Richard Yeadon said to him: "Where did you get your horse's tail? Was it an invention produced by the sight of the countrymen's horses?" "No, Dick," replied Mr. Petigru, "I got the horse tail from Plutarch. The tail is classical, my friend."*

The reminiscence of J. H. Dukes, who as a boy heard him use these words at a meeting:

"But long ere the day comes which sees these United States a divided nation, I do trust in God that I may sleep in the cold and silent grave far from the dissonance of that wild note that shall proclaim the triumph of misrule and downfall of my country's glory."

The intense excitement and bitterness over the city election for intendant was surpassed by the ensuing election for the legislature. The peace was in peril always from the public meetings of the two parties. These meetings were held by the Union men at Seyle's long room between Meeting Street and King Street; by the Nullifiers at the "Circus."

At these places they were addressed by their several leaders; the most inflammatory speeches were made night after night, the rank and file denounced, ridiculed and reviled each other. On one side the popular tribunes were Hamilton, Hayne, Turnbull (Brutus), Deas, Pinckney and many more; on the other, Petigru, Poinsett, Drayton, Huger, and their assistants. On one side the epithets "submissionist," "slave," "sneak," "coward," "renegade," were freely applied. On the other the terms Jacobin, madman, fool, conspirator, were as liberally bestowed; and so they went on uttering phrases of contemptuous scorn with rival zeal and earnestness.

One night there was an exciting passage between the two factions when they nearly came to blows, and it was always con-

*Grayson, p. 124.

sidered a very critical moment, for had blows been dealt, civil war had begun. They had met as usual. Some were armed; others were excited with liquor or with passion. The customary harangues were made and a large amount of fuel supplied to their patriotic fires. The leaders began to be apprehensive of the consequences of their own work. The Circus sent a note to the long room, advising as a prudential measure that the Union men should retire from their meeting by the way, not of King Street, but of Meeting Street. King Street was the outlet of the Circus assembly. The purpose of the missive was a friendly one to avoid a collision between the two bands. The object met the approbation of the Union chiefs. The note was read to the meeting with the hope that its suggestion should be followed. Nothing of the sort. "What!" it was said, "shall they dictate to us by what route we shall retire to our homes? Would they make us the slaves they already call us? Who will submit? Not one." The way by Meeting Street was wide and easy; that by King Street was narrow. They tore down fences to go out by the King Street outlet; they tied slips of white cotton to their arms for recognition and marched down King Street, breathing defiance to their enemies. They met,—the Union men going down; the Nullifiers going up the street. They stood in battle array, ardent for fight, and, like Homer's heroes, began the onset by abusing each other.

But fortunately common sense and right feeling had not quite deserted the leaders. They made attempts to keep the peace and finally agreed among themselves to a sort of compromise. The hostile meeting occurred just at the point where Hasel comes into King Street. It was agreed that the Union party should turn into Hasel Street provided the Nullifiers did not follow them; but the compact was not kept. The insurgent party pursued their foes. Many blows were aimed at Petigru. Drayton and Poinsett were both struck by brickbats but were prudent enough to keep the fact from the knowledge of their followers. An ardent Nullifier, finding himself opposed by a common laborer, waved him aside with the remark: "I will not spill your base plebeian blood; bring forth your Draytons, your Pringles and your Hugers." At length the city guard was maneuvered into position between the belligerent parties and they retired to their homes or to the taverns to recount the

exploits of the evening and prepare new broils for the future. Mr. Petigru and his friends retired to his house in Broad Street and had supper, and they were joined by General Hamilton, the leader of the opposition. Party feeling between these men did not destroy their personal regard of friendship.

Thousands of dollars were contributed by patriotic gentlemen and not less patriotic ladies towards defraying expenses on either side. Voters were kidnapped and kept locked up and under guard until the day of election. Staid citizens and rollicking youths mingled with laboring men and sailors at balls in Elliott Street and other disreputable places. It was anything to catch a vote. Drunkenness and debauchery were in the air.

The result of the election was that the Union party were defeated, and the Nullifiers, for the first time, got control of South Carolina.

The nullification contest was undoubtedly the culminating period of Mr. Petigru's political life. The following unstudied letter to his friend, Mr. Hugh S. Legaré, then in Brussels, is characterized by graphic descriptions, patriotic sentiments and prophetic utterances. From a relative of Mr. Legaré these letters came into the hands of Prof. Yates Snowden, with whose permission they are used. They have previously appeared in a "Life of James L. Petigru," by Joseph Blythe Alston, published in the *News and Courier* in 1900.

TO HUGH S. LEGARÉ, BRUSSELS

Charleston, October 29, 1832.

My dear Legaré:

Since you left us things have turned out as fools wished and wise men expected. The city election with all our pains was lost. Pinckney beat DeSaussure* 160 votes. On the 8th and 9th we were defeated again; the whole Nullification ticket succeeded by an average majority of 130. The governor's proclamation, like one of Napoleon's bulletins, was ready in anticipation of the victory, and was read in all the districts the day after the election, convening the legislature on the 22d. You know it was always a doubt which was the legislature between October and November, but, as Clayton says, he that doubts is damned nowadays. The convention bill was dispatched as soon as it could be read, and the legislature adjourned on Friday, and the convention is to be elected and convene between this and the

*Henry A. DeSaussure, a lawyer of Charleston.

third Monday of November (19th). Thus you see that we are on the gallop and how long our demagogues will keep the saddle no one knows. The spread of Jacobinical opinions has been terrible.

We have only twenty-six members in the House and fourteen in the Senate. The Union vote throughout the State is about 16,000, and the Nullification 23,000. Our country friends were terribly taken in. In Richardson's district, Claremont, they were beaten 300 and in Barnwell by 500. In Abbeville by 700. Charleston, Georgetown, Williamsburg and York were the districts where they ran an equal race. In Georgetown—two Union men to one Nullifier—the vote being 188 to 186. In Williamsburg a tie between the first Union and the first Nullifier, and in York we were beaten by twenty-five votes. I'on is turned out in Christ Church and Deas in Camden. We had our Union convention in September and put forth our southern convention prospectus, but all would not do. Nothing could supplant nullification but something that would go ahead of it, and as far as South Carolina has a voice her fate is sealed. Now the question comes whether our Constitution is anything better than other ware of that kind that has been hawked about since 1789. What a pity that Lafayette to the other republican institutions to which he was making Louis Philippe a convert was not able to add State rights. The Union party here have determined not to support any ticket for the convention. Our friends in the legislature who come from districts where they have the upper hand think differently. We mean to reserve ourselves for the ebb tide. How long we shall wait is a very serious question. If we had anybody at the head of affairs that could be depended on it would be a fair chance yet, but the *old man** seems to be more than half a Nullifier himself, and we are compelled to rely for the best of our hopes on the doubtful allegiance of Georgia. Wayne received the greatest vote any man has received in Georgia for a long time, 9,000 more than Clayton, but Jones is elected, as well as Clayton, Foster and Gamble. The Troup men seem to have voted together, and to have supported their Nullifiers most strongly, for the only candidates on their ticket who were left out (Haynes and Branham) are Union men. But the Georgia convention assembles next Monday night and the proceedings will throw some light on the politics of that State. Cummings is a host himself. If the South ever gives a President I hope it will be he. He is fit for the very highest place and the mighty improbability that he ever will receive it is a beautiful commentary on the superiority of our elective monarchy.

The turbulence of the late election far outdid anything you ever saw here. We were beset at Seyle's night after night by a

*General Jackson, who had not yet pronounced himself against the Nullifiers.

disorderly mob and obliged to arm ourselves with bludgeons and march out in files. The mob crowded on us with every species of insult. Their leaders entreated us to retire, as their men were perfectly disorderly and would listen to nothing. It was with great difficulty we could persuade our men to do so. Many blows were aimed at me; Drayton and Poinsett were both struck and we drew off our people amidst every species of insult and abuse. We could have cleared the street, and it would have been policy to do so, but doubtless the parties would have met the next time with muskets.

After the city election a treaty took place between the parties to prevent bribery. The Nullifiers construed this compact as they do the Constitution—they gave men money to prevent them from selling their votes. And as soon as we complained and said the compact was broken, they took us at our word and dropped the disguise, but what is more, stuck up great placards headed, "Compact abandoned by the Union party." Frank Wood was never in such glory and it is scarcely possible to conceive of any abuse that was not openly practiced. As an example the paupers were discharged by Tom Gantt on the day of election, and they voted by the unanimous consent of his brother managers, backed by old Turnbull, who insisted roundly that as they were discharged from the Poor House they had a right, and that they ought always to be discharged in order that they might enjoy their privilege. There appears to me a great increase of that contempt for justice that seems to go hand in hand with every revolution. For our consolation, however, religion never was more flourishing. In Beaufort and Walterboro its triumphs have been very signal. Robert Barnwell and Barnwell Smith* have given in their adhesion. It is like Mahomet's faith, however. They combine war and devotion, and, in fact, it seems to me that fanaticism of every kind is on the increase. I am in a complete state of uncertainty myself. Uncertain as to what the Nullifiers will do; what Congress will do; what the States will do. Sometimes I think it will all pass off in smoke and noise, but these are rather my hopes than my opinions. If a revolution is effected I am doubtful of my own course. Should it come to an affair of force in the State I must take my share, and if proscription and penal laws are enforced I must emigrate. But in fact if the Union is severed my mind is made up to quit the negro country. But where to go? aye, there's the rub.

I ought to mention that Alfred Huger has absolutely quit the Nullifiers; refused to vote for a convention and refused to resign. You may judge, therefore, in what sort of odor he is. Cheves,

*Both former pupils of Mr. Petigru, and Members of Congress and Senators from South Carolina.

too, has made a wise movement of the same kind. He has written three books and a supplement against the Nullifiers; against the 40-bag; against the convention, and against the call of the legislature, but they both quit their party just at the time when they could spare them without any inconvenience, and they have done us about as much good as they have done harm to the others.

Your mother is quite well. Your sister has not yet returned. We had frost last night for the first time. Your kindness to Charles is such as places me under great obligations. Whether he will get a furlough I don't know. He wishes to resign, but the idea of coming to Charleston in the present circumstances is so preposterous that I rejected it altogether. Your letter was a great boon to me. Almost the first thing that has happened for a long time to please and gratify me. Pray don't forget me. I'll try and keep you informed of what passes here even if it is but little, and it does seem to me that our revolution has less dignity than the rest. Adieu.

Yours faithfully,

The St. Simoniens are excellent, but Figaro is full of wit. The absence of all wit from our politics is another proof, I suppose, of our superiority.

J. S. Clayton of Georgia, alluded to in this letter, was a candidate for President in 1824. He was the judge, in Georgia, who sentenced the two missionaries, to the Cherokee Indians, to hard labor. This decision was reversed by the Supreme Court in 1828. In 1832 he was in the United States Senate, opposed to the tariff and nullification. He was said to be a great stump speaker. Mr. Petigru with great humor often reported a peroration of one of his speeches as follows:

"Who doubts is damned; who denies is a dastard, and the very commonest hangman would consider his office degraded to nail his ears to a door post."

Mr. Petigru evidently expected armed coercion by the national Government in case nullification was put into full effect, and the following letter to Mr. Elliott as to the collector of the port of Beaufort is significant:

TO WILLIAM ELLIOTT

Beaufort Creek, S. B. Margin, November 18, 1832.

My dear Elliott:

Lest I should not see you, I write beforehand to tell you, that I am very desirous of seeing you and wish to converse with you

on a matter of consequence. The Government is wide awake to the plot of our demagogues and there will be a scene before a great while, for I understand that it was decided before the call of the convention, that the State shall secede if coercion is attempted. That coercion, very vigorous and effective, as far as the old man is concerned, will be employed, there is no room to doubt. If it was not for the antipathy of the National Republicans to the administration, there would be no doubt at all. What with their want of all confidence in the General and their high federal principles, it is difficult to say which course they will pursue. As hard as it is to predict what Georgia, between the love of sedition and hate of Calhoun, will decide on. It is probable they will be obliged to make arrangements concerning the port of Beaufort. Who is your collector at present and, in case of the office being vacant, whom would you recommend, that is, whom would you secretly and privately prefer? The patronage of the Government can not, of course, pass through Barnwell's hands,* and these questions the administration must ask of you. Your postmaster is sound? If he were otherwise employed, who would be fit for his place? Do write me to Savannah, as soon as you receive this. I hope I may see you and if I am to leave the letter for you, I shall leave a great deal unsaid. Recollect, officers of vigilance and firmness as well as integrity are necessary.

Yours truly,

After the election nullification moved rapidly forward with the precision of well adjusted mechanism. Governor Hamilton, the next day, by proclamation convened the legislature for the 22d of October. They met and on the 26th passed an act ordering a convention to be held on the third Monday, the 19th of November, 1832. The convention accordingly assembled. Governor Hamilton presided as president. The convention was composed of 162 members, of whom 136 were Nullifiers. It immediately adopted an ordinance that the acts of Congress of May 19, 1828, and July 14, 1832, were null and void, and no law in South Carolina, and not binding upon the State, its officers or its citizens; that no duties enjoined by that law or its amendments should be paid or permitted to be paid in the State after the 1st day of February, 1833. The ordinance provided that no appeal from South Carolina courts to a federal court should be allowed, such an appeal to be considered contempt of court, and all officers and jurors were to take the oath of allegiance;

*Robert Woodman Barnwell, then member of Congress from the district.

South Carolina would secede if the United States proceeded to enforce anything contrary to the ordinance.

The legislature met again at its usual time, the 4th Monday of November, and passed laws requisite to put the ordinance in operation. Goods seized by the custom house officers might be replevined; the militia and volunteers might be called out and 10,000 stands of arms were to be purchased.

Robert Y. Hayne resigned from the United States Senate, and on the 13th of December, 1832, was elected governor of South Carolina without opposition. He had just attained his 41st year, and had served ten years as Senator. The day following the election of the governor, Calhoun was elected to the vacancy in the Senate; for this purpose he resigned the office of Vice President on December 28th, having been Vice President for eight years. Hayne immediately issued a proclamation to the legislature as follows:

After ten years of unavailing remonstrance in common with other southern States, South Carolina has in the face of sisters of the federation and the world, put herself upon her sovereignty.

* * * She was compelled to assert her just rights or sink into a state of colonial vassalage. If South Carolina is not relieved by a satisfactory adjustment of the tariff or by general convention of all the States, she has declared before God and man that she will maintain the position that she has assumed.

* * * She is anxiously desirous of peace. She has no wish to sever the political bond which connects her with the other States; but, with Thomas Jefferson, she does not regard the dissolution of the Union as the greatest of evils; she regards one as greater, viz., submission to a Government of unlimited power.

* * * I recognize no allegiance paramount to that which the citizens of South Carolina owe to the State of their birth or adoption. If the sacred soil of South Carolina should be polluted by the footsteps of an invader, or be stained with the blood of her citizens, shed in her defense, I trust in Almighty God that no son of hers, native or adopted, who has been nourished at her bosom, or been cherished by her bounty, will be found raising a paricidal arm against our common mother.

This inaugural was spoken of as "the most successful display of eloquence ever heard."

On the 10th of December the Union convention met in Columbia, and on the 14th presented to the legislature the following remonstrance and protest, and adjourned. Referring to this

paper, Mr. Petigru, in a letter to Mr. Legaré, says: "The first is the work of your poor friend, and the last was concocted between Poinsett and Memminger."

Remonstrance and Protest
of the Union and States Rights party.

The Union and States Rights party of South Carolina, assembled in convention, do remonstrate and solemnly protest against the ordinance passed by the State convention on the 24th day of November, last.

1st. Because the people of South Carolina elected delegates to the said convention under the solemn assurance that these delegates would do no more than devise a preamble and constitutional remedy for the evils of the protective tariff without endangering the union of these States. Instead of which that convention has passed an ordinance in direct violation of all pledges.

2d Because the said ordinance has insidiously assailed one of the inalienable rights of man, by endeavoring to enslave all freedom of conscience, by that tyrannical engine of power,—a test oath.

3rd Because it has disfranchised and prescribed nearly one-half of the freemen of South Carolina, for an honest difference of opinion, by declaring that those whose conscience will not permit them to take the test oath shall be deprived of every office, civil and military.

4th Because it has trampled under foot the great principles of liberty secured to the citizens by the constitution of this State in depriving the freemen of this country of the right of trial by jury, thereby violating that clause of the Constitution intended to be perpetual which declares that "the trial by jury as heretofore used in this State and the liberty of the press shall be forever inviolably preserved."

5th Because it has violated the independence guaranteed to the judiciary, by enacting that the judges shall take a revolting test oath, or be arbitrarily removed from office, thereby depriving them of the right of trial by impeachment, which by the constitution of the State is intended to be secured to every civil officer.

6th Because the ordinance has directly violated the Constitution of the United States, which gives authority to Congress to lay and collect revenue, in forbidding the collection of any revenue within the limits of South Carolina.

7th Because it has violated the same constitution, in that

provision of it which declares that no preference shall be given to one port over any other in the United States, by enacting that goods shall be imported into the ports of South Carolina without paying duties.

8th Because it violates the same Constitution, and tramples upon the rights of the citizen by denying him the privilege of appeal in cases in law and equity arising under the Constitution and laws of the Union.

9th Because it has virtually destroyed the Union, by carefully preventing the general Government from enforcing their laws through the civil tribunals of the country, and then enacting that if that Government should pursue any other mode to enforce them, then this State shall be no longer a member of the Union.

10th Because the tyranny and oppression inflicted by this ordinance are of a character so revolting and the effects anticipated from it so ruinous that the commerce and credit of the State are already sensibly affected and will soon be prostrated, and its peaceable and industrious citizens are driven from their homes to seek tranquility in some other State.

The Union party of South Carolina in convention, do further remonstrate and solemnly protest against the project of a standing army, proposed by a party in power, as dangerous to the liberties of the people. They would respectfully ask their fellow citizens, whether such an army must not be confessedly inadequate to protect the Nullification party against the people of the rest of the United States should they resolve to coerce them. What other object therefore can such a force accomplish than to serve as an instrument of tyranny over their fellow citizens?

This convention doth further protest against any effort by a system of conscription to force the citizens of the State from their firesides and their homes, to take up arms and incur the pains and penalties of treason, in support of a doctrine which the people were assured was pacific in its nature and utterly inconsistent with any danger to the Constitution of the Union.

Solemnly remonstrating as they hereby do against the above mentioned grievances, the Union party would further express their firm determination to maintain the principles which have ever been the rule of their conduct; and while on the one hand, they continue their unfaltering opposition to the tariffs; on the other they will not be driven from the enjoyment of those inalienable rights which by inheritance belong to every American citizen. Disclaiming, therefore, all intention of lawless or insurrectionary violence they hereby proclaim their determination to protect their rights by all legal and constitutional means and that in doing so they will continue to maintain the character of

peaceable citizens, unless compelled to throw it aside by intolerable oppression.

Thomas Taylor, <i>President.</i>	
Henry Middleton	
David Johnson	
Richard I. Manning	} <i>Vice-Presidents.</i>
Starling Tucker	

[Then follows the names of the members of the convention.]

Done at Columbia, South Carolina, on Friday, 14th December, 1832, and in the 57th year of the independence of the United States of America.

Attest: Franklin J. Moses.

James Edward Henry,
*Secretary of Convention.**

President Jackson immediately took up the defiance which South Carolina threw down to the Federal Government. General Winfield Scott was quietly ordered to Charleston for the purpose, as the President confidentially informed the collector, "to superintend the safety of the ports of the United States in that vicinity." Troops were ordered to collect within convenient distance so as to act with efficiency should the occasion require. Naval vessels were also sent.

On December 10, 1832, the President issued a proclamation to the people of South Carolina. It began by refuting one by one the leading propositions of the Nullifiers. The right to annul and the right to secede as claimed by them was shown to be incompatible with the main idea and object of the Constitution, which was "to form a more perfect Union." The right of the State to secede was strongly denied. The proclamation concluded in the following words: "Fellow citizens of my native State, let me not only admonish you as the first magistrate of our common country not to incur the penalty of its laws, but to use the influence that the fond father would over his children whom he saw rushing to certain ruin. In that paternal language and with that paternal feeling let me tell you, my countrymen, you are deluded by men who are deceived themselves or wish to deceive you."

The people of South Carolina were astonished and thrown into consternation by the proclamation. To them it seemed

**City Gazette*, Friday, December 21, 1832.

inconsistent and not in accordance with the theories that Jackson had been understood to hold. They ascribed his attitude on this question to his hatred of Calhoun.

The proclamation of Jackson was received in South Carolina on the 16th of December. The legislature immediately issued the following resolution: "*Whereas*, the President of the United States has issued his proclamation, *resolved*, that his excellency, the governor, be requested to issue forthwith his proclamation warning the good people of the State against the attempts of the President of the United States to seduce them from their allegiance, exhorting them to disregard his vain menace, and to be prepared to sustain the dignity and protect the liberty of the State against the arbitrary measures proposed by the President."

Hayne immediately set to work and on the 20th of December issued his counter-proclamation. It was a most ardent document; by some people called pugnacious; and was considered the most perfect for the occasion.

In the counter-proclamation, in addition to the usual difficulties, he also was embarrassed by the protest and remonstrance of the Union and States Rights party, which could not be lightly disregarded. The proclamation was received by his adherents with applause, and by his adversaries with ridicule.

Arms and supplies had been procured by the State government; it was decided to garrison the citadel. Men and women wore the blue cockade, and the State was ready for civil war. A spark at any moment would cause an explosion. General Scott with the United States forces and two gun boats were on hand to "pacify" the people. It is rather interesting to note that 2d Lt. Joseph E. Johnston, 4th Artillery, was at this time stationed at Fort Moultrie.

Petigru graphically describes the situation in the following letter:

TO HUGH S. LEGARÉ, BRUSSELS

Charleston, December 21, 1832.

My Dear Legaré:

Though I am staying at home and you are seeing far and strange countries, yet probably I am really in the midst of a scene more curious than those you have an opportunity of observing. I wrote you I forget the date and told you of the great

and overwhelming success of the Nullification ticket. The election was hardly declared before Jack Irving got upon a table at the door of the State House and read the governor's proclamation calling the legislature, that is, the new members, on the 16th October. The proclamation had been prepared beforehand in anticipation of the victory. The legislature met and by two-thirds of both branches called a convention. The convention election went *subsilentio*. We ran no ticket in the low country, nor in any of the districts above but those where we had a decided majority. The consequence was they put on their ticket those aspirants for distinction that had never been blessed with such a testimony of confidence before. And the convention was in fact the plain tool of McDuffie and Hamilton. They passed without debate an ordinance which has gone far beyond what they had promised; nullifies everything and offers to the general Government no alternative except between submission and secession. The legislature, which had adjourned after the convention bill, re-assembled on the fourth Monday of November and have been in session ever since. Our Union convention met on the 10th instant. We mustered very strong and the great majority of them were disposed for strong measures. But Johnson, O'Neill and Manning were placed in a situation of great embarrassment. They had been coaxed and flattered as far as they could be coaxed and flattered and they were committed by speeches, declaring they would go with the State, etc. It had been confidently asserted that Johnson and O'Neill would not take the test oath. But I soon found this was a mistake. Yet they were exceedingly averse to affirm their allegiance to the United States, and urged the policy of making no pledge against obedience to nullification. They gave up in the end the first, and we conceded the last, leaving the inference that we would not take the oath nor bear arms against the Government to be drawn from what we avowed rather than from what we promised. You will read the report and the protest. The first is the work of your poor friend and the last was concocted between Poinsett and Memminger. It was understood that if we would not resolve to disobey the ordinance, but confine ourselves to the impeachment of it, the legislature would not enforce the test oath nor levy the 10,000 men which are to form the standing army of Carolina, and so far it seems probable that they will blink the ordinance. We remained in session from Monday to Friday and then adjourned. And the following Monday came the President's proclamation which you may well suppose created a monstrous sensation. They were going here to burn the old man in effigy, but the certainty of raising a mob and Ben Hunt, in the absence of Hayne and Hamilton, being in command of the militia, they wisely receded from their intent. In the legislature, however, it has

put the Nullifiers into a roasting ferment and what they may do is uncertain. In the meanwhile the forces of the general Government are concentrating at this place. General Scott is at Sullivan's Island, more men are daily expected and the revenue cutters in the harbor are on the lookout. What effect will these things have on the community? I believe a great many are amazed as in waking from a dream to find that which they considered one of the simplest things in the world is going to turn out the parent of war, prostration of commerce and a military government.

I had a conversation with Carew to-day. He spoke guardedly but is evidently alarmed. Many of them say they have been deceived. That they were for constitutional nullification (Calhoun nullification), and had no idea of what has come to pass, which is just what the Union men foretold. Yet whether they will be able to break the chains is doubtful. It is one of the most beautiful lessons of history and will prove very edifying no doubt to those who read it hereafter. The war and revolution party are a decided minority, but they have got an ascendancy which gives them an absolute control over the weak minds of that numerous class who are afraid or ashamed to think for themselves. The idea of "going for my own State" is a stumbling block. And the demagogue is in effect the State. The President's proclamation is a singular paper to be sure. It contains some high federal doctrine, which seems to come from Jackson most oracularly, as if the priest was giving utterance to what the Deity forces from him, without any volition on his part. You will ask how we all feel? Like men in a revolution, careless, heedless; eat, drink and be merry, for to-morrow we die. It will be hardly possible to come off without a sedition and the shedding of blood. If it was left to Governor Hayne it might be, but Hamilton don't trust him twenty-four hours to himself. The general opinion, I believe, of their own party is that Hamilton is as much governor as ever, except in name. And when McDuffie is present he is protector over them both. There is, however, an opposite in the House and another in the Senate. Frost, Ball, Noble in the House; in the Senate, Campbell, and I believe Patterson, relent against war and proscription—in fact against the letter and spirit of the ordinance.

Martin, Earle and Evans don't wish to take the oath. And, strange to tell, old Gantt is a non-juror. DeSaussure and Richardson are firm as a rock. Henry A. surprised us all by his intrepidity; he and Toomer were against the negative pregnant in the report, which, by professing obedience to what is lawful, implied the not distant probability of open resistance to measures pronounced unlawful. They were for speaking plain. The people of Horry are perfectly willing to take arms. They don't philosophize at all. The Spartanburg, Greenville and Lancaster

men are of the same way of thinking—they sympathize fully with the old man that disunion is treason. Your reflections on the “limitary cherub,” who sets the march of mind at scorn and keeps men in the beaten track, are perfectly just. All our republican tricks, so keenly described by Mrs. Trollope, will hardly save us from the catastrophe of more polished States. The discipline of liberty is too severe. It is like temperance at a feast—a happy state of self-denial.

I ought to include in this imperfect abstract something about religion. It flourishes more and more—fanaticism of all kinds spreads. Cooper is acquitted and extolled. Barnwell Smith and Robert Barnwell are full of the Holy Ghost, and it is announced that Henry L. Pinckney will oppose Dr. Palmer for the church, if he does not oppose Colonel Drayton for Congress. I say nothing of European affairs, for I want you to tell me of them. I wish Charles could go, but am afraid he can't. Adieu, my dear Legaré.

Your friend till death,

CHAPTER XVI

1833

REPEAL OF NULLIFICATION

One of the first acts of Governor Hayne was to appoint Ex-Governor Hamilton brigadier-general, and assign him to the command of the State troops which had been called out. General James Hamilton, Jr., as he is hereafter known, immediately proceeded with his usual enthusiasm and energy to organize and equip the army of South Carolina.

Both sides were ready for action. Calhoun had directed that no overt act should be committed, and with no small difficulty the leaders managed to restrain their excited followers.

On the 21st of January, 1833, the Nullifiers held a meeting at the "Circus." Hamilton made a very fiery speech and was quite ready to precipitate the conflict. However, it was finally decided to defer putting into effect the ordinance of nullification from the first of February to the first of March.

Many of the State legislatures had met; but none of them endorsed the action of South Carolina. On the 26th of January the legislature of Virginia passed an act offering to mediate between the United States and South Carolina. Accordingly, the honorable Benjamin Watkins Leigh was appointed commissioner for that purpose, and arrived at Charleston on the 4th of February. He immediately requested Governor Hayne to communicate to the convention the resolution of the legislature of Virginia, and asked that the ordinance of nullification be suspended until the close of the session of Congress. He was assured, that from information they had of the bills before Congress, this would be done.

On February 13, 1833, the president of the convention ordered it to convene on the 11th of March.

On the 16th of January Jackson sent a message in which he informed Congress of conditions in South Carolina, and asked for the passage of an act known as the "Force Bill." He also referred in his message to the Supreme Court as the proper

authority to decide the constitutionality of the tariff. Calhoun, in reply to this message, declared that South Carolina was not hostile to the Union; and he made the point that the Nullifiers had always wished to get the tariff before the Supreme Court, but there was no way of doing so.

On the 12th of February Clay introduced in the Senate his compromise bill to supersede all other propositions. This provided that all duties over 20% were to be reduced one-tenth every other year for ten years, and then to be a general horizontal reduction of 20%. By an agreement with Calhoun this was carried out.

The "Force Bill" was passed on the 26th of February, and the compromise bill on the 27th, and became a law on the 3d of March, the same day that the tariff of July 14, 1832, went into effect.

On March 11, 1833, the convention in South Carolina assembled. They immediately repealed the ordinance of nullification, and passed another ordinance nullifying the "Enforcement Act," and adjourned. It is not quite clear whether the last act was a joke, or was seriously meant.

Everybody was satisfied except the extremists, who would have been glad to have had things pushed to the worst. Both sides claimed the victory, one party because the duties were paid; the other because the tariff was reduced; and the pride of both was satisfied. During the period of nullification Petigru was undoubtedly the head of the Union party, but after doing most of the work, with his accustomed modesty, he put forward his friends into the most prominent places; hence some historians claim the post for Poinsett,* who had occupied positions of honor under the Government and was prominent on account of his scientific and social attainments.

Petigru's letters of this period are humorous but earnest descriptions of events.

TO HUGH S. LEGARÉ

Charleston, February 5, 1833.

If you knew, my dear Legaré, how happy one of your letters makes me you would think it unjust to feel or express any doubt of my zeal. As your letters come regularly, though at long

*Pa. Mag. of Hist. and Biog., Vol. XII, No. 3.

intervals after posting, I hope all mine will arrive in time. I received yours of the 6th December on the 4th instant. I had previously received those of 16th and 23d October and 20th November. Our two-penny resolution is smoking still, but the blaze has not yet broken out. The bold hand with which McDuffie raised the veil and showed the people constitutional nullification in the ordinance staggered the folks a little. They were not prepared for secession; they were not prepared for the test oath, but the chain of party is nearly as strong as the yoke of power. Few changes have taken place and those who were Nullifiers are Nullifiers still, and the catch word, "I go for my State," is an answer to all objections. Yet the legislature did not venture to follow the ordinance with equal steps. They gave ground on the test oath and the law which they passed to carry this part of the ordinance into effect requires all officers hereafter to be elected to take that oath upon entering into office; but those already in are to take it whenever they are called on officially to bear a hand in the execution of the ordinance. If they had pressed that oath upon the incumbents five judges would have walked, Johnson, O'Neill, DeSaussure, Richardson and (would you believe it?) Gantt. Our Union convention assembled on the 10th December; we mustered strong. I have already written to you about that and the President's proclamation, which came the day after we adjourned. Like spoiled children the Nullifiers wailed aloud and screamed out that the President was coming to butcher us and all that sort of thing. The bills for carrying the ordinance into effect were passed. Hayne was made governor, Calhoun senator, Barnwell Smith, attorney-general, and a law was passed to garrison the citadel in Charleston with sixty men. They find it difficult to raise this small force—only twenty-four are enlisted yet. Meetings, however, have been held and harangues made to induce the citizens to volunteer to mount the blue cockade and offer their services to the State. In this thing they are successful enough; nor perhaps is it to be wondered at, for they are careful to tell them that there is no danger; that the Constitution is a shield and the President can't touch them. They sent Philip Cohen and Rutledge Holmes to the North to make purchases of arms, and have, it is said, laid in a great quantity. This is done openly. Secretly they have made arrangements on the great roads to Columbia and from Columbia to Charleston for provisions and subsistence. On the 21st of January the association met in Charleston. They had Preston in addition to their city oratory and Governor Hamilton told them the chiefs had agreed to wait till 4th March to see if Verplank's bill would pass. That he had shipped a cargo of rice to Havana for a return of sugars; that he intended to let his sugars go into the custom house stores, but when the 4th March comes

if the tariff was not repealed he expected them to go to their deaths with him for his sugars, which was received with great applause.* The President afterwards sent a message to Congress on South Carolina affairs, which has given rise to a bill reported in the Senate to empower the President to collect the revenue. The first section authorizes him to remove the custom house in case of danger to the fort. The rest is copied nearly from the law of 1792 for suppressing the whiskey insurrection and the embargo act of St. Thomas of Canterbury. This bill is now before the Senate and Webster appears as the supporter of the Constitution and the antagonist of Calhoun. Expectation is big with the approaching conflict between these champions. The first sound was only a preliminary, but it is plain Webster took the upper hand and Calhoun betrayed a most feverish excitement.

In the meantime the eyes of men have been turned to Virginia. They were for weeks engaged on federal relations, nullification and the President's proclamation. At last they adopted resolutions condemning nullification; condemning the tariff and requesting South Carolina to suspend the ordinance. Benjamin Watkins Leigh was elected to come to South Carolina and enforce this appeal. He is come; he arrived here on Sunday. I called, but he was out. On Tuesday the city council resolved that he be requested to consider himself the guest of the city and to dine with the worshipful council on Friday. My impression is from all this fuss that they mean to accept his mediation. I don't know whether to wish it or not. I am afraid it will only prolong the despotism that now prevails. For the power of the chiefs is complete tyranny, and while they can keep the minds of their followers up to fever heat they can do what they please with them. And if they suspend their action now the interval will be employed in agitation, and they will make it appear that Virginia is an ally. They have no other. Forsyth and Cumming have beaten them in Georgia. Their

*Miss Maria H. Pinckney, eldest daughter of General C. C. Pinckney and General Hamilton, imported a cargo of sugar in order to have a practical test of the working of the tariff law. It is said that General Hamilton demanded the sugar of the collector, Mr. James R. Pringle, stating that he "did not care a d— as to the amount of the tax, but declined to pay it on principle." The collector replied that neither did he "care a d— for the amount of the duty but would hold the sugar according to law." No soldiers, with drums and banners, were ordered out to capture the sugar, but General Hamilton published a rather sarcastic article in the paper concerning the collector. The collector, with blood in his eye, sought the editor and insisted upon knowing the author of the article. A duel was expected; however, wiser counsel prevailed and the matter was amicably adjusted and so ended this *opera bouffe* performance. Tradition does not record what finally became of the sugar.

Milledgeville convention has proved an abortion. You know they recommend a convention of Southern States, or as many as would join, and books were to be opened in all counties to take the votes of the people on the point. No books have been opened at all, except in one or two counties, and there the proposition was voted down. Troup has published a letter telling them to beware of conventions of all sorts and that there is no such constitutional remedy as they are in search of.

In all the other States it has been the same way. Virginia is the only one that offers help and she offers only her advice to get out of the scrape.

Yet there is a vague feeling of discontent and a tendency to embrace the new superstition in a considerable party in all the Southern States, and while South Carolina is in open sedition, with the elements of discord all around, we have too much reason to be alarmed about that explosion which a spark may produce.

As a matter of precaution the old man directed Mr. Pringle to cause the vessels entering the harbor to anchor under the guns of Castle Pinckney, and on the 1st of February the new regulation went into operation. Ogilvy seemed disposed to make some fuss about an Englishman that was stopped, but it went no further. The *Mercury*, now edited by Stuart,* mouths about it, of course, and considers it a gross insult to take no notice of the proceedings at the Circus on the 21st of January, which were an authentic declaration that they would not nullify in effect till March. It is, therefore, highly improper in the President to begin in February to prevent them.

I approve highly of your notion of inditing a public epistle, address it to Cumming. It will take the attention of the Georgians, who are more likely to be influenced by reasons. You express with more force than any other man the feelings which are excited by a contemplation of the overthrow of our institutions, and I think you can do great good by such a letter among the people that are not totally perverted. Cheves did nothing by his essay and Alfred Huger did not even carry St. Thomas. It is very dangerous to tamper with the devil. They had given countenance to most mischievous errors, and when they would repair the error it was too late.

We have in the harbor the *Natchez* and several cutters. Bankhead is on the island. Tantzinger commands the *Natchez* and Elliott is port admiral. I have been to Savannah, was retained by Dr. Minis, who was tried for murder. He was acquitted. It was a worse case than that of the poor fellow whom you prosecuted last May. The citizens of Savannah were desperately against him. They made up a purse of eight hun-

*John Alexander Stuart of Beaufort, a brother-in-law of Robert Barnwell Rhett.

Love Letters and Journals

"The day of Sunday Journal was made from December 11
to a meeting of the people of Beaufort district and
the day was made and passed a quiet among the Natives
and some other people. Young people flew into a violent
passion and were that brought on a challenge and they
were not separated from fighting in the accidental arrival of
some people of the neighbourhood who repaired to the ground
and watched the dispute."

"I was surprised your kind messages with great pleasure and
the day of the week. You are in the neighbourhood. We
are glad when we hear from you. Your mother and
sister are well. Adieu."

Yours ever,

TO FRED. L. ALLSTON

Georgetown, March 5, 1833.

"I received on Saturday your letter of the 10th December,
which was the greatest shock to that day that ever happened to
me. I read it over and for my face with anger and with
shame. On Sunday I read it to Judge Huger, Mr. Pringle and
Mr. Wm. Heyward and *Constitution* Editor and the Judge in-
sisted on its being printed. I showed my authority for the
publication of such a letter as drawing the sword. The Judge
expressed the expression of the very strong passages, but I
knew you would have a lesson of the emasculating process; yet,
in fact, I read on Monday (that was yesterday), intending to
print, which, to the astonishment of my weak mind, and, take
care you are not astonished yourself, the morning papers con-
tained the news received by the Journal express in New York
and forwarded here by a vessel in advance of the mail that a
conspiracy, a coalition between Clay and Calhoun has hushed
the civil war. Thus it is still *delirant reges*, etc., and our great
vulgar and little vulgar are too happy to bear all the expense
for the privilege of taking sides. You will ask if any joyful
breathes have been kindled? If enemies have embraced? and
the news of peace been hailed with enthusiasm? I have seen
nothing like it. Strange to say I had been invited some days
before to dine at Colonel Pinckney's that same day, and except
Captain Martin, of R. N., there was nobody for me to talk to,
and I never saw, certainly in that house, so much constraint.
The enforcing bill is still before the House, and McDuffie has
(just like him) given notice of his intention to prevent its pass-

* The Allston referred to in the above letter was Ben Allston, of St. Luke's, who,
unlike his cousins Joseph W. Allston and R. F. W. Allston, of Georgetown, was
a strong Union man.

† A duel afterwards took place between them and Allston was shot in the leg.

ing, by calling the yeas and nays, and moving adjournments till the end. It is probable that it will pass. But as the tariff is now put on the ground that they require, I suppose the convention will repeal their ordinance and there will be no occasion for the powers which this bill gives the President. I can not suppose that Hamilton will be so crazy as to attack Fort Moultrie, for his sugar (twenty boxes) there, which has been imported, to play Hampden with.

As I shall send this letter by Washington, it is certain you will see the papers as soon, which will give you information of all the President has done, and I think his proclamation and his message will astonish you. They are very extraordinary papers and remarkable for containing a great deal of that sort of truth which has become very scarce. You will see, too, the bill of Mr. Clay, as it passed. I can not for my soul tell whether it does or does not give up the principle of protection; and it seems to me that it does not. But will this tranquillize the country? No doubt till another Presidential election. I think that the present order of march is that Calhoun is to ride behind Clay. He is so false, however, and so eager that he will come out for himself if anybody asks him. And I think Clay had better look to his hostages. But is it not very strange to think of Webster and Jackson? It has been hinted, and I think not improbable, that Webster will be chief justice. The great debate between him and Calhoun on sovereignty, Constitution, etc., has not been printed yet. Everybody but Duff Green says that Calhoun comes off but second best. The election of Duff Green as printed to the Senate is the most conclusive proof of a bargain between Calhoun and Clay that could be given. A wretch so odious could only have received a majority of votes by contract.

Benjamin Watkins Leigh, the delegate from Virginia to their high mightinesses, Hayne and Hamilton, left town last Saturday. I saw something of him. He is a very amiable man; not ambitious nor brilliant in conversation and what would endear him to me is that he is an original; one of those old fellows that seem instinctively to get upon the weaker side. Yet what is this but honesty of purpose, which prevents them from adopting opinions according to policy? With all this, however, I think Mr. Leigh looked on us Union men as no great politicians; in one word as men who can not be conservative without being federal. Now Virginia can make sure of the *utile dulci*. Mr. Rives votes for the enforcing bill and makes an excellent speech; in fact, one of the best if not the very best which the grand debate has called out, wherein, without cutting Jefferson, he finishes Col. Calhoun. Leigh, I believe, could do that too. He evidently did not approve of poor Tyler's abortive attempt to sustain Calhoun's doctrine, but I could not ascertain the minute shades by which his opinions were separated from the heretics

on the side of consolidation and the heretics on the side of State's rights. Leigh left us with a heavy heart. He thought the devil was coming. He was afraid McDuffie would balk all his plans for keeping peace. But he did not then anticipate the new turn which affairs have taken at Washington.

Several of my nullifying acquaintances and quondam friends have asked me if I was not delighted? I tell them and tell them sincerely that though I am glad the evil day is put off, I am not sensible of any great happiness in thinking that instead of happening to me it is reserved to my children, and a devilish evil day it will be.

I sent off your letter to your mother yesterday by an express. I have not seen the boy yet nor do I know of his return, but he will no doubt bring a letter to be sent to the postoffice for you. They are in the country though. I saw your sister in town a month ago.

Our races have been dull. Richardson has beat the whole world. Drove Johnson back discomfited to Virginia and broke Singleton down by distancing his best horse. In any circumstances I would not have advised you to return; now there is no cause. Adieu.

Yours faithfully,

The following letter will be of interest if only for its mention of a possible "Southern Confederacy."

TO WILLIAM ELLIOTT

Charleston, 15 April, 1833.

My dear Elliott:

* * * What have you been doing this great while? On the plantation I suppose. Do you hear much from the revolutioners lately? I believe they intend to open for a Southern Confederacy soon. Your quondam townsman is certainly pointing that way in the *Mercury* and if it meets with favor I think the chiefs will support it. But they will not commit themselves just now. The people, I fain think, are settling down to a more composed and moderate tone. They are not so much inflamed about politics, it seems to me, and more inclined to mind their own business. These are good symptoms so far; they may be delusive however. It is your misfortune to be among the most excited people in the State, and I fear they will not cool till after the thing is abandoned by their leaders, which it will be, as soon as they are thrown upon the resources of the doughty islanders and the warlike pinewoodsman. We who have got the chivalry against us must carefully cultivate the good will of our neighbors. Adieu.

TO HUGH S. LEGARÉ

Washington, July 15, 1833.

My dear Legaré:

You are surprised to see the date of this letter, or ought to be, for when one has lived the better part of his life at home nobody expects him to ramble abroad. But I have been very sick, growing weaker and losing ground, until at last, in making a very vehement speech for Dr. Schmidt,* about that old scandal of the base blood of his wife, in an action against Dr. Le Seigneur, I fairly broke down, and by a little fever and great deal of pain, hemorrhoids, inflammation of the bladder, etc., was kept within doors a fortnight. During that time poor "Brutus" [R. J. Turnbull] died and the benevolent public were rather disappointed that there was one funeral only, for it was such an opening for a coincidence that they could hardly reconcile themselves to the prosaic matter of fact when I got well. All my friends insisted so much on my travelling as soon as I was able that I yielded to their persuasions and left home on the 6th in one of the packets to idle away the summer at the North. Alfred Huger and I landed at Old Point Comfort. He wished to see Ben Huger and I took this route to see Charles Alfred, who is worse off than I am, for he is sick and hypped or hipt, whichever it should be, and I am not. He damns the Nullifiers more than any man I know. He quit their party after their success, to which he had himself greatly contributed, was settled, and has, in fact, a great deal to regret. He is gone forward to Philadelphia. I came here on the 12th and go off this morning. Yesterday I waited on the President; was introduced by Mr. St. Clair Clarke. The old gentleman looked better than I expected; gave me a very gracious reception; inquired about Poinsett and Drayton, and regretted I was going to stay so short a time. I presume you know Col. Drayton is going to expatriate himself. He leaves Charleston in this month "for good," as we say, and will settle in Philadelphia. He told me Hamilton had written him a very friendly letter. What do you call that? After driving his first friend and patron into exile, to write him a letter full of sentiment on the subject of his change of domicile. The last thing I see of him (Hamilton) is that he is to deliver a eulogy on the character of Turnbull.

I can tell you nothing about the coming election. Pinckney is the candidate. Whether he is the free choice of the Jacobins is sometimes doubted, and it is whispered that his friends crammed him on the party. But he will no doubt be the regular candidate. There is only one way to defeat them, that is by dividing the Nullifiers; but I fear we have not management to do it. The thing to be effected requires only to get a half

*See *post*, p. 125.

dozen of them to nominate old Warren, who would jump at it, but I am afraid it can't be done. In the district now represented by New Rolls, Tom Williams and Clowney are in the field and we have great hope of Williams's success. In Pendleton Gisberne runs against Davis, with doubtful hopes. Preston, strange to say, is so squeamish he will not have Felder's seat. Is not this a commentary on life? The very thing he has been after all his life is now thrown in his way without any trouble and he turns away from it. I had a talk with him at Columbia in May. I'm afraid the secret is in his deranged finances, but it may be mere caprice, though from his conversation I did not think so.

Martin stayed with me when he held the court in Charleston. I read your letter of 5th March to him, with which he was quite entertained and showed little sympathy for his party, but complained that you did not write to him and made me promise that I would tell you so. Martin's adhesion to the Nullifiers (and it was no more) is one of the unaccountable things that make me regard the republic with despair. By the way I must tell you that I have heard since I came here that you have uttered such sentiments, I mean doubts of the success of the Nullifiers, in Belgium and that our great men here don't like it. I believe they, one and all, undervalue the danger, and that we (who think the Constitution has but an indifferent chance for length of days) are the only persons who see the truth; but as a diplomat you ought to say very frequently much less than you think. Your letters are positively the greatest treat to me that comes from any quarter and in our little set they are read with a most lively attention more than once. Great heavens, I wish you had had the reply to Calhoun. The turn you have given to his example from Jewish history is infinitely beyond anything he got. If Webster had called him Jeroboam it would have been worth more than his whole speech. Yet I do not think it advisable for you to come out in a review of the debate under your own name. I think in South Carolina it could do no good. The majority of our folks are such citizens as Rome had in her worst days. No republic ever had worse as far as their duty to the United States is concerned. Here is one of the anomalies produced by our strange system: As citizens of the United States they are traitors, but as citizens of the State they are true men. In his immortal satire, "*Absolom vs. Achitophel*," Dryden says of Sir William Jones, he

"Could statutes draw
To mean rebellions; make treason law."

But law and treason are inseparably connected by our Constitution as it seems and the public spirit of the citizen is as fatal

as his corruption. In South Carolina nothing seems to be hoped for from reason, but Georgia and Virginia are the important points to be guarded now. It is clear that our Nullifiers mean to pick a quarrel with the North about negroes. It will take some time and many things may turn up in the meanwhile that we can't foresee either to favor or to destroy their hopes. But Nullification has done its work; it has prepared the minds of men for a separation of the States, and when the question is mooted again it will be distinctly union or disunion. I regret I did not see your mother and sister before I left Charleston. I called but did not find them at home. * * *

Henry Cruger is married to Miss Douglas. It was so cunningly arranged that people assembled, as they supposed, to a christening of her sister's child and were surprised into a participation of the plot. I send you some newspapers, chiefly about Georgia, which will, I think, amuse you. I will not be home till October. Adieu.

Yours faithfully,

P. S.—Thank you for the newspapers; Gen. Bergeaud on property and the essay on the divisions in the ranks of the reformers. Louis Philippe has shown more vigor than was expected of him and will be obliged to do more before he is let alone. The other newspapers which you mention did not come to hand. I send you also the Journal of the convention.

This case of Schmidt against Le Seigneur referred to in this letter is often referred to as an illustration of Mr. Petigru's remarkable skill in cross-examination: John Schmidt married Mlle. De Rosignol, a lady born at Martinique. Their son was educated at the North as a physician; on his return to Charleston he was unable to practice his profession because he was denied admission into the medical society on the ground that he was guilty of the unpardonable sin of having negro blood in his veins. John Schmidt, who was a Union man, of course had command of Mr. Petigru's services. A suit for slander was immediately instituted. Le Seigneur testified most positively that he knew the two mesdemoiselles De Rosignol at Martinique; they were very handsome and all the young men knew that they were colored. His testimony was most positive. Mr. Petigru produced some papers; Le Seigneur acknowledged the writing to be his; they were verses in French; he then with the permission of the court proceeded to translate them with the greatest seriousness, much to the amusement of the audience. He then asked Le Seigneur

was it "the habit in Martinique for young gentlemen to write ditties to mulatto girls?" to which he replied, "Yes, sir; just the same as they do everywhere else." Another witness, a fellow-countryman, was called on to give evidence in the case and confirm the charge. His belief was fixed, but it was founded on rumors, not on personal knowledge. The witness was none the less positive on that account. He had no doubt on the subject. Even in the church frequented by the lady she was said to be of doubtful blood, and was not permitted to sit in pews occupied by whites, but was restricted to the space set apart for other classes. How could a jury doubt after that? But, before the inference is accepted, the fact, as asserted by the witness, must be proved to be true. Was he stating what he knew? Had he repeated a report, not described a scene he had witnessed? It was soon determined by the counsel when cross-examination began. Mr. Petigru stood for a moment with a serious air, and his left hand stroking his chin, when suddenly he said to the witness: "Mr. Chupein, have you ever been at church?" The witness was astonished and uneasy. "Sir," he replied, "that is not a proper question." But it was urged that he should answer and an appeal was made to the bench. The judge very blandly but decidedly determined that the question was a proper one and must be answered. The witness resisted still. He threw himself on the judge's favorable consideration. He said he was in a serious dilemma, for if he replied to the question that he had never been at church he would become odious in the eyes of his countrymen as an atheist and despiser of religious rites. "But if," he replied, "I answer that I have been at church, then, on the other hand, I shall tell one leetle dam lie." His examiner assured him that no further reply was necessary.

Mr. Petigru also refers in this letter to Col. Drayton being "about to expatriate himself."

At the dinner on the 30th of May, 1830, previously referred to, Colonel Drayton was violently assailed by McDuffie. At that time the lines between the parties had not been distinctly drawn, and Colonel Drayton, not proposing to be dictated to, joined the Union camp. He had succeeded J. R. Poinsett as member of Congress in 1825, and he knew that he could not be nominated at the ensuing election. He considered this injustice and ingratitude and decided to go among more congenial people,

and moved to Philadelphia, much to the advantage of his family and his descendants.

It will be noted that in a letter to Mr. Legaré the year before Mr. Petigru said: "If a revolution is effected I am doubtful of my course. Should it come to an affair of force in the State, I must take my share; and if proscription and penal laws are enforced, I must emigrate. But in fact if the Union is severed my mind is made up to quit the negro country. But where to go? Aye, there is the rub."

In after days he often regretted that he had not at that time gone somewhere north of the Potomac. But he said, "I would not part from my sisters, my friends, and all who depend upon me."

TO HUGH S. LEGARÉ

Charleston, November 20, 1833.

My dear Legaré:

* * * Calhoun is incessantly agitating. He lectures now on the necessity of a test oath. It is believed that the legislature will pass a law imposing one. It is hard to say what we are to do. If they do not infringe the Constitution of the United States we have no remedy. And if they do it is questionable whether we have any. How is such an act to be resisted? It is disfranchisement, but in what way can the minority help themselves against two-thirds? I wish that I could see some way better than waiting for the ebb of popular infatuation; but I really see none. There is a hope in the compunctious feeling of the better part of the Nullifiers. Isaac Holmes, for instance, is resolutely against it; but he is almost the only man, now poor Martin is gone, that has intrepidity to resist, even if they have sense to see, the enormity of the demagogues. The popularity of Martin gave him more authority than any other moderate man, and I fear that in this, as in so many instances already, men will profess their respect for liberty and freedom of opinion till they have done everything they can to destroy them.

I have received your letters of 9th and 10th September, and many newspapers. You complain of hearing seldom from me. Considering how unequal the exchange is, you may complain with justice. But consider, my dear soul, that it is not every one that, like you, can learn German in idle hours, and write letters like Pliny, for the entertainment of his friends. The high value I place on all you write induces me to send you letters in the hope of answers, but the want of novelty and the want

of interest in the things that I have to say make me often procrastinate the time of writing.

You are right in ascribing to our people a ridiculous self-conceit that makes them, like Sir Balaam, ascribe all to their own wit and make no allowance for the great odds in their favor. It would be more to the purpose if we were to wonder that there is so little done, instead of so much in the progress of improvement. The Union party, for the present, have the ascendancy in Georgia. Whether they will keep it is another affair. As I apprehend the Troup men have very generally come out Nullifiers. But the Clark party, with such portion of the Troup as would not swallow the test, are enough at present to control the State and I see that they begin to settle down upon the same nomenclature as in South Carolina, and talk of discarding the old names. It is very surprising that in this state of things it seems quite doubtful whether Troup himself is a Troup man. He has resigned his seat in the Senate. The step at this juncture, while the Union men are in the ascendant in the legislature, is justly regarded by the Nullifiers as a cold response, indeed, to their thousand invocations of the "Gallant Troup." I am very much gratified to learn that Cumming is likely to be his successor. I hope it is so. But is it to be supposed that in the pitiful combinations of such parties as Clark men and Troup men and Cherokeeand men such a person as Cumming can be appreciated? Whether he goes to the Senate or not if even the demagogues succeed in bringing on a dissolution of the Union he, and not Calhoun nor Hamilton, will have the first part in the South.

There is some disturbance among the Nullifiers in relation to Cooper. You know there has been a great revival. Robert Barnwell, Barnwell Smith, Stephen Elliott, Wm. Grayson, Pinckney and many more than I can name are converts. They wish to purify their party of poor old Cooper. Another set are bent on maintaining him. Barnwell Smith broke ground on the circus on Monday night. It was a meeting of the party preparatory to the great meeting next Friday, when "his body is to come mourned by Mark Anthony"—and Smith announced the death of poor Martin and, after a warm eulogium on his merits, told them that if they venerated his memory they would respect his last words, and that only a few days before his end they had conversed fully and freely about the necessity of removing Cooper, and that he (M.) had assured him that he would go to Columbia and move the trustees to do so. And upon this S. called on them to wipe off the aspersion from the party and from the State of being governed by infidel principles. There was little said there, and people seemed taken by surprise; yet I am greatly mistaken if it does not bring the *Evening Post* and *Mercury* into collision. If anything can break down the disci-

pline of the party it is the opposition between the Revival and the Atheist party. If the latter sacrifice Cooper they may do with the State as they please, for very few of our religionists have any charity for those who are blind to the light of Calhoun's and McDuffie's revelations.

The Turnbull monument is to be laid the day after to-morrow, the same day the oration over his dead body is to be delivered. Great preparations are making. Calhoun is to be received by all the volunteer companies, etc. I am sick and weary of all this flummery; I long for a little common sense. I must get me a taste for money. Avarice is the most innocent kind of excitement for a man who has reached "the middle ages."

CHAPTER XVII

MARCH–AUGUST, 1834

ARGUMENT AGAINST THE TEST OATH; POLITICAL SITUATION

TO WILLIAM DRAYTON

Charleston, 26 March, 1834.

My dear Sir:

* * * South Carolina is under an evil star—that in this late age men should have the obliquity of mind to fall upon the very errors of the worst times is very extraordinary—and besides it is excessively disgraceful. The consequences that might have been foreseen have ensued. The mountaineers who are generally on our side, received the test oath and Military Bill with a yell of passion. Here in the city people are so worn out and tired that the blow excited very little feeling. But the mountaineers have taken the thing as violently as Nullification was taken. In fact the disorderly principles that Hamilton and McDuffie have preached are about to react. The Union men are anxious to show that they have no undue reverence for the law and order. It is rather surprising that the Nullifiers are not on the alert—they seem to be perfectly supine. In the meantime the whole mountain region is in a flame. A convention met at Greenville last Monday. We were obliged to send delegates, but you may depend on it the most violent counsels will prevail, and unless the Court of Appeals declare the law unconstitutional or Hayne gives way, there will be a border war. The objections to this act are so strong that I should have the highest expectations of success, in the case which we have made, and which comes on next Monday, but unfortunately Judge O'Neill has been called home to his dying children and we have only Johnson and Harper—and those nullifiers have deceived me so often that I have no trust in any of them when a party question is at issue. Do you recollect that we spoke of the opportunities of female education in Philadelphia? Will you tell me what you think of the schools there and which of them you think the best—and do you give them any preference to the New York schools?*

Yours truly,

“I do solemnly swear that I will support and maintain to the

*Original letter in the Pennsylvania Historical Society.

utmost of my ability the laws and Constitution of this State and of the United States, and that I will well and truly obey, execute and enforce the ordinance to nullify certain acts of the Congress of the United States purporting to be laws laying duties and imposts upon the importation of foreign commodities, passed in convention of the State at Columbia the 24th day of November, in the year of our Lord 1832, and all such acts or act of the legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same."

This oath may be looked upon with derision to-day, but at that time it excited bitter discussion and complications even after the ordinance of nullification was repealed. To Mr. Petigru it was peculiarly abhorrent because it was unconstitutional and restricted the freedom of the citizen.

In the struggle for the rights of the citizen he boldly attacked the constitutionality of this oath in the courts.

THE ARGUMENT OF MR. PETIGRU IN THE CASE OF MR. McCRADY *vs.* B. F. HUNT, AND MR. DANIEL *vs.* MR. MEEKIN IN THE COURT OF APPEALS OF SOUTH CAROLINA, AT CHARLESTON ON THE 31ST DAY OF MARCH, 1834.

1st Hill South Carolina Reports

A case that has excited so deeply the attention of the community will no doubt receive the most serious attention of the court. To say that this is a constitutional question is enough to make it understood that the subject is one of the highest concern and interest; for a question of constitutional law exceeds in importance the discussion of a private right, as much as a general rule is of more importance than a particular decision. And if there is anything of which we may be justly proud, as an improvement in the science of government, it is that American innovation by which the judiciary is made coordinate with the legislative and the injured are authorized to appeal from the law to the Constitution. Nor can any case be imagined more worthy of the exercise of this high and solemn duty of the judiciary, than this in which the decision must effect, not merely the freedom of an individual, but the rights of many thousands of the people of this country to be accounted free; in which not the inheritance of a few acres only, but the birthright and portion of every man who does not subscribe to the prevailing creed, are at stake.

The parties to the record are Mr. McCrady and Col. Hunt; and the office about which the dispute arises, is one of minor importance; an office, not only of small account in itself but in the

eyes of the parties perfectly insignificant in comparison with the principles which are involved. Between the parties to the record there is, in fact, no dispute. Col. Hunt consents to make the question for the sake of all who have an interest in common with the plaintiff; and Mr. McCrady pursues his right in behalf of thousands of his fellow-citizens, for the purpose of testing the validity of a law which incapacitates them from office. This civil incapacity with which we are menaced, extends not merely to affairs in the militia, but to all places of power and trust under the authority of the State; and not to the right of holding office merely, but to every constitutional and civil privilege. For by the Ordinance of 1833 the principle of disfranchisement is adopted in the broadest terms of tyranny; and though the disability in question applies, in this instance, to military office only, there is nothing to prevent the extension of the principle to all civil rights and immunities whatever.

The oath which Mr. McCrady is required to take is in the following terms: "I swear that I will be faithful, and true allegiance bear to the State of South Carolina."

And he refuses to take it, because he acknowledges allegiance to the United States as well as to the State of South Carolina, and the authors of this oath, by their authoritative construction, have declared that allegiance to the State is and shall be equivalent to abjuration of allegiance to the United States. The terms of the oath itself may not suggest the objection. The text may be ambiguous, but the commentary removes all doubt. Behold then the alternative of disfranchisement, which is submitted to the citizen to subscribe to a party test, or to swallow an ambiguous oath.

Allegiance is derived from the barbarous Latin word *ligeantia*—it is peculiar to the English law, and there we must look for its proper signification. Fortunately we are at no loss for the most ample information concerning the character of allegiance in the monarchy which is its native soil. In Calvin's case, 7 Co. 1, it forms the subject of one of the most curious and elaborate arguments among the judicial discussions of that period. It is called the bond of subjection between the prince and his subject—the tie by which the monarch holds his vassal, and by which he draws from the remotest corner to which he can retreat. A claim which none but the royal hand can hold, and which the subject can never shake off. It is the same in effect with liege homage, an abject ceremony which furnishes a striking illustration of the feudal origin of allegiance, and the profound subjection which it implies: "For when the tenant shall make homage to his lord, he shall be ungirt and his head uncovered, and his lord shall sit, and the tenant shall kneel before him on both his knees, and hold his hands jointly together between the hands of his lord and shall say thus:—'I become your man

from this day forward of life and limb, and of earthly worship, and unto you shall be true and faithful.' And then the lord so sitting shall kiss him." In simple homage there is a reservation; as thus:—"Saving the faith I owe our sovereign lord, the king." But in liege homage, which differs only in this, that it is performed to none but the sovereign, there is no such saving (Co. Lit., 64, B.-1, H. H. 65). From Calvin's case and the common law authorities, we learn that the qualities of allegiance are, that it is natural, universal and perpetual, and due exclusively to the king in natural person. So intimately is the original idea of allegiance connected with royalty, that it is said by Lord Coke to belong to the king, as an attribute *proprium quarto modo*—that is to the king and to the king always, to every king, and none but the king; *omni solo semper*. 7 Co. 12 A.

In strict propriety of language, allegiance to the State, like citizen-king, is nothing more than misnomer. No phrase can be less apt to express the duty of a citizen, whose obedience belongs to the law, than a word which implies most strongly and emphatically reverence to the person of the sovereign. We can easily see why our ancestors excluded from the Constitution of the United States as well as from that of South Carolina, a word connected with so many heterogeneous associations as allegiance. The wonder is that the noble example of plain dealing and simplicity which they have left us should be lost on their successors; and that we should see at the present day such an anxiety on the part of some people to put on the cast-off finery of the royal livery.

There is no doubt, however, that when terms, which express the relation between king and subject, are adopted into laws of a republic, they must be received in a new sense, with a modification of meaning corresponding to the altered character of the government; and so, in fact, we find the term allegiance used in some of the States. Neither do we deny that the State may require an oath of allegiance from the citizens. At least there is as much propriety in speaking of allegiance to the State as of allegiance to the United States. No one supposes that the government of the United States is supreme beyond the sphere plainly defined by the Constitution; neither does any one deny that the State is supreme within its proper sphere of action. As to the boundaries of power between the federal authorities and the State authorities, men have disputed from the dawn of the Constitution to the present day. And from the assumption of State debts in 1790 to the last debate on the incorporation of the Bank of the United States, the acts of the general government have been assailed, and defended on the same grounds; and truth requires us to add that South Carolina has been on every side of the question. But that the States, in the language of Mr. Madison, retain a residuary and inviolable sover-

eignty over all objects not embraced within the powers of the federal government, has never been denied, amidst all the changes and contentions of party,—at least not by any men, or set of men considerable enough to obtain for their opinions any general attention.

If the oath in question, therefore, stood alone, or upon the words of a military bill only, we should, without hesitation construe the obligation which it imposes, as an oath of fidelity to the State, commensurate with its reserved sovereignty and consistent with an equal fidelity to the United States within the sphere of the Constitution. But if the State authorities have set their own definition on this term "allegiance" we are not at liberty in the oath under consideration to construe it any other way; and no honest man can take the oath in any other sense than that which it would bear if this word were omitted, and the corresponding terms of the definition inserted in its place. Now the fact is that the authors of this measure have set a definition on the word "allegiance" which makes it, to all intents and purposes, a term of art, to express certain controverted opinions concerning the nature of the Constitution of the United States, and renders the oath in question a complete criterion of party—in one word, a test oath. There is, I apprehend, a mistake that some people are liable to fall into in speaking on the subject, by confounding test oaths with religious persecution. For many people seem to imagine that the new oath is not a test oath, because it does not interfere with religious liberty. But in fact all test oaths are political, not religious, in their objects; and if the test acts do sometimes put the principle of exclusion on religious opinions it is not against such opinions, as offensive to Heaven, but as dangerous to the State, that they are directed. In the age of persecution a sincere but misguided zeal for the honor of God, led to the punishment of the heretic, whether he outwardly conformed or openly dissented.

But test oaths were the growth of a later age; they were not exacted *pro salute animi*—for the spiritual welfare of people in office; but had their rise, as well as whatever justification was attempted of them, in considerations of public safety. The Union of Church and State, and the king's supremacy, sufficiently account for the connection, real or supposed, between the security of the State and the exclusion from office of those whose religious opinions were at variance with the majority. The Dissenter and the Catholic were against the Church, and the Church was part of the State. It was in vain that they were willing to give any and every assurance of their fidelity to the State, as distinguished from the Church; for their interests were inseparably connected, and the distinction could not be admitted. In like manner the Union party are willing to give

any satisfaction of their devotion to the State within its Constitutional sphere; but the difficulty lies in acknowledging an absolute supremacy; in subscribing to a declaration that Governor Hayne is supreme head of the Church upon earth.

In Locke's works we find an account of the test oath of 1775 by a masterly hand. It runs thus:

"I do declare that it is not lawful, under any pretense whatever, to take up arms against the king; and that I do abhor the traitorous position of taking up arms against his person, or against those who are commissioned by him, in pursuance of such commission; and I do swear that I will not at any time endeavor the alteration of the government, in Church or State."

This oath would suit the present times, without any alteration besides that of putting State for king; and the authors of our test oath only repeat what the courtiers of Charles II said before them: that the public safety requires the oath, and that no one should complain of being excluded by it; because no one is fit to be trusted, that is not willing to swear to truths so plain, and to principles so clear. Yet the verdict of posterity has stamped the age of Charles II with its lasting reprobation; and those who upon a small scale are now making a similar use of power, may do well to bear in mind that they are copying an example from the worst of men and the worst of times.

In looking over the ordinance of 1833 we find that allegiance to the State is expressly declared to be inconsistent with allegiance to the United States. The obedience due to the Constitution of the United States is declared to be a subordinate duty, subject to the regulation of the Legislature, so that a citizen may actually incur punishment as a criminal for acting in obedience to the Constitution of the United States; and to cover the whole ample provision is made, by an unlimited power of punishing offences against allegiance, for opening those detested sources of oppression, the laws against treason, and reenacting here the bloody tragedies of Scroggs and Jeffries.

It is not wonderful that a new oath, speaking a language unknown to our Constitution should excite enquiry. Men are not to be blamed for asking what it is they are required to swear to. But where shall they search for the meaning of allegiance as used in this oath? Not in the common law, nor in the Constitution, but in the ordinance of 1833; and there they will find allegiance explained in a sense which renders it the symbol of a party—a sense in which it never was defined before, and which nothing but the necessity of having a conventional term to designate certain peculiar views of the Constitution, could ever have suggested. Allegiance which is absolute without being perpetual, is a perfect anomaly. Yet the ordinance, while it makes allegiance to the State paramount to all other obligations, confines its existence to actual residence: for I know not

what else can be made of the words "so long as they continue citizens thereof," unless they mean that allegiance begins whenever any citizen of the United States enters Carolina and ends when he crosses the line. And what can be made of those words that speak of "obedience to any power to whom a control over the citizens of this State has been or may be delegated," unless they mean that the laws of the United States are binding until the State interferes and sets them aside. In one word, allegiance, as used in the ordinance, is only another word for the right to nullify, and that such is the real intent and meaning of it, no one having a regard for his reputation out of his own set or party, should venture to deny; much less can any one who values his character take this oath unless his mind be clearly satisfied of the creed which it is intended to enforce.

The ordinance having thus established a party test and authorized the legislature to carry it into effect by suitable oaths, the next legislature passed an act to organize the militia of this State; the 10th section of which provides that every officer hereafter elected, before entering on the duty of his office, shall take a certain oath; and in order to determine upon the validity of that oath it is necessary to consider the subject in reference to the State constitution as well as to the ordinance. But the constitution has fixed the oath of office and the legislature have no right under the constitution to legislate on the subject. Their authority then must be derived from the ordinance or the oath is void. The supporters of the bill are placed in this dilemma, that if the oath is passed in pursuance of the ordinance, it is a test oath; and if not passed in pursuance of the ordinance it is unconstitutional. It is indifferent to us which alternative is adopted, for either way the oath is bad; but the objection to the oath, as being contrary to the constitution, is palpable * * * * * If the oath in the military bill is not a test oath, it amounts to the same thing as the oath prescribed by the Constitution to protect and defend the constitution of this State and of the United States, and it is just as far from reason to call it the oath of the Constitution as the oath of the ordinance.

But in fact this oath is doubly objectionable, for the very cause that it is ambiguous. Is it to be endured that a man is to be called on to swear to an ambiguous declaration?

Among all the abuses of power, a certain pre-eminence is due to the singular wickedness and enormity of the wretch who caused the laws to be promulgated in such a way as to be purposely unintelligible. And if there was no other objection against the oath which our present rulers have prescribed to be taken by honorable men, under pain of disfranchisement, the ambiguity and equivocation which lurk in its meaning are sufficient to entitle it to the condemnation of all mankind.

In these circumstances the duty of the court is plain. The free and generous principles of the law which the court is sworn to administer favor liberty. The warrant which deprives the humblest citizen of his liberty must be clear—much less can it be endured, that such a sweeping disfranchisement should be sustained by a doubtful interpretation. And as the legislature has not thought fit to refer to the ordinance, the court will take the law as they find it, and if it does not conform to the Constitution declare it null and void.

TO HUGH S. LEGARÉ

Charleston, April 24, 1834.

My dear Legaré:

We have had our argument of the test oath, but no decision. The convention at Greenville took place on the 24th March. By Mr. Poinsett's influence moderate resolutions were adopted, in unison with the course we had adopted here, to wait for the result of an appeal to the judiciary, with an implication strong, however, that if redress is not obtainable in that quarter they know where they will find it. Our friend Pepoon offered a resolution, which has obtained him much notoriety, viz: to call on Gen. Jackson to redeem the guaranty of a republican form of government. This is unlucky, for it gives rise to a great deal of quizzing. Now, in fact, the excitement among the Union men in those districts is no joke. Our friend, the General (Huger), feels some comfort when he is among those mountaineers, for they partake of those strong feelings which carry him far ahead of the rest of us here. In fact, I believe he would rather lose his life in any effort between the Union men and Nullifiers than to accept peace with their consent, or, as he would say, of their condescension. The mountaineers respond to this sentiment and say they don't like to turn the quarrel into a law suit. However, Mr. Poinsett's resolutions were accepted, and I believe they have been acquiesced in everywhere but in York, where the Unionists voted them too moderate. The great case of McCrady *vs.* Hunt, which, like that of Sir Edward Hales and his coachman, is to try the Test Act, was to have come on the same day the convention met. But it was postponed till the 31st. We met with a great discouragement when Judge O'Neill was called home to attend the last hours and funeral rites of two of his children. Out of six he has now but one. The court, therefore, consisted of only Johnson and Harper. I send you a copy of my speech, and in the newspapers you will find all of Grimké's that has been yet published. He spoke seven hours and bore away the palm from all competitors. The attorney-General and P. Finley argued on the other side. Their speeches are not yet out. I deeply regret that Grimké has taken occasion

in the publication of his speech to introduce a new fashion of spelling and to make it perfectly ridiculous; puts it on the ground of conscience, and is willing to suffer martyrdom for the truth's sake. In the controversy we are waging with the Nullifiers we labor under the disadvantage of being obliged to explain.

When people hear that we are in a sedition on account of dire oppression, and that all the oppression we have to allege is an oath of allegiance to the State, they are very apt to think such complaints not worth listening to. At this time, too, the National Republicans are counting the Nullifiers and too much inclined to discourage any opposition to them. In such circumstances, when we need it the best apology to overcome hasty prejudice and to induce the public to think a second time about a most pernicious precedent, as well as a most profligate evasion of the Constitution, it is deplorable that anything should be done to turn our case to ridicule. I am afraid we shall be thought to be at war with the alphabet and that many persons will take sides against us, less on account of Calhoun than Dilworth. We have had no intimation of the opinion of the judges, except that they inquired if Hayne would enforce the Act provided they kept the case under advisement, and on his assurance that he would not they adjourned on the 14th inst. and directed it to be argued again at Columbia on the first Monday in May. It is agreed to leave it now to the up-country, and Blanding and Tom Williams will be matched against Waddy Thompson and Franklin Elmore. Poor Blair, about the very time that you were pitying him for the office he had lost he was making a most public and lamentable spectacle of suicide in Washington. At first it was reported that he blew out his brains in the hall, but it appears that he did not heighten the interest of the tragedy in the English fashion by having the murder committed on the stage. It was in his own chamber at his lodging, with nobody in the room but our old friend Murphy, sometime clerk of the Senate, now member of Congress from Alabama; that he went quietly to his dressing table, took out a pistol and in an instant was launched into eternity. He had said that he would do as much if he did not leave off drinking, and it seems he had satisfied himself that the effort was vain. The feeling was not without some greatness of mind, but showing a mind lamentably deficient in proportion. It is doubtful who will succeed him, probably Manning.

As the judges left the test oath undecided and the 11th was the day on which all the militia were to be officered anew, the election went on in the dark. Hunt declined, and after beating about for a candidate in his place without success, Gilchrist consented to oppose T. O. Elliott and James Smith was set up against Jerry Yates for major. The result was announced in the afternoon. We had lost all the field officers but Smith, and

I was obliged to hear from everybody I met the same complaint, that our party were good for nothing; would not turn out, etc. Strange to tell, however, the next day, when the managers met to sign their return they found an error in addition and Gilchrist was actually elected. The test oath meantime is suspended and no officers have qualified at all. Governor Hayne has in readiness a store of commissions in a new form for forty years (since 1794). They say "the reposing confidence in your fidelity to the United States." He has put the State of South Carolina in place of the United States, and has a rigmorle oath on the back into which he has worked up the staples of all the oaths in being with the ordinance for a ground work.

I hardly entertain a doubt that the court will cast the new oath overboard. But they have passed a bill for altering the Constitution, and if they carry the bill through the next legislature we shall have the same thing back on us next year. Our only hope is in the resistance of the mountaineers. The fear of civil blood, which would ruin the character of Nullification, may induce them to pause. Indeed, there appears to me great supineness among them. Hayne does not play his part with any life or animation. He is set down or never seen and I'm told he never entertains. Hamilton does not give the people half as many proofs of his care as he used to do, and the defence of Nullification seems to be left to the town bands of editors and pot house politicians and patriots in search of office. McDuffie, breaking down with dyspepsia, is to be governor next year, and Hayne is to be a judge as soon as a vacancy is found or made for him.

One strange result of the unsettled state of things here relates to myself. I have sent my daughter Caroline to New York to school, and, singular, Mrs. Hamilton has sent her daughter. Without any concert we found that we were both in the same disposition and sent our children under the care of Mrs. Douglass Cruger. Adieu.

Yours ever,

Ratin *vs.* Bertrand is not arrived yet. Your two letters, 10th of February and 4th of March, I received together with some newspapers. It is very true Europeans are more sparing of words than we. It would take many great debates in Paris to one great speech. The only eloquent thing this winter from Washington is Clay's apostrophe to Van Buren, telling him to go to the President and ad- [the rest of the letter is lost].

An
Oration
delivered before the Washington Society
on the
Fourth July, 1834
By James Louis Petigru

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ORATION

This day, fellow citizens, which recalls the Declaration of American Independence, brings with it the associations of a train of great events. We are irresistibly carried back to the contemplation of the colonies in a state of peaceful dependence on the mother country, and to a review of their subsequent progress through the risks and hardships of the Revolution, and the disorders of an unsettled and feeble polity, to the attainment of a free and stable government, in the adoption of the federal Constitution. If we could raise our minds to a just and lively conception of all that was done and suffered to make this memorable day a national jubilee—could we realize the scenes of this great drama—no lesson could be more instructive; no representation could be more powerful, to purify the feelings and amend the heart.

The settlement of the colonies was coeval with that struggle between liberty and prerogative, which in its progress kindled a civil war in England, and led to the expulsion of the reigning family. The early settlers were deeply imbued with sentiments favorable to a popular form of government, and this disposition was fostered by the circumstances in which they were placed. The territorial divisions were fixed by grants which the crown from time to time had made to individuals or companies. These grants were also charters of incorporation on a great scale, making the inhabitants a corporate body, with ample jurisdiction over subjects of a local nature. The colonies therefore were separate communities after the example of free cities, that have a particular government and a domestic jurisdiction. These political societies had no interference in the affairs of one another but they were all fellow-subjects. They acknowledged one sovereign, and the tie of allegiance was the common bond of Union. The legislative power of Parliament, never distinctly defined, was in practice limited in a great measure to the regulation of commerce, and the people claimed, and generally enjoyed the privileges of the British constitution. Under a system thus mild and rational, the growth of the colonies was no less a subject of wonder and admiration than a source of unexampled prosperity to the mother country.

But in the course of time the natural hostility between sovereignty and liberty began to appear. The legislative authority which Parliament had always to a certain extent exercised in America, was made the foundation for the claim of absolute power, and the duty of the people of the colonies was perverted into the idea of an unconditional subjection to the will of Parliament. The promulgation of such doctrines alarmed the jealousy of liberty, and the pretensions of Parliament were met in the spirit of determined resistance. At length an act of Parliament for raising a revenue in America brought the controversy to a point from which there was no receding. The common danger and the community of their rights as British subjects united the provinces at first in remonstrance and finally in arms. In vain did the advocates of the ministry endeavor to justify their measures. In vain did they urge "that there must be in every State a supreme, absolute, uncontrolled authority in which the *jura summi imperii*, or right of sovereignty reside." Our forefathers had not learned that allegiance was due to any but lawful authority. Still less inclined were they to entertain the monstrous proposition that despotism is of the essence of government. No sophistry could impose upon them to admit that sovereignty is in its nature unlimited. They rejected as mere verbal criticism assumptions of power founded on the definitions of sovereignty and allegiance, and regarded as "vain wrangling all, and false philosophy," arguments designed to prove their allegiance involved the obligations of unconditional obedience. The philosophy which proceeds by experiment and induction is not more different from the learning that attempted to find out nature by reasoning from first principles than the views of the authors of American Independence, from all systems of government built upon shadowy abstractions. The American people went to war with the mother country for their inherited rights and privileges. The right of resistance belongs by the law of nature to every oppressed people, but our forefathers fought to retain the freedom in which they were born. The exemption which they claimed from all taxation, except by their own representatives, was in strict conformity with the British constitution, and with immemorial usage. When all measures of reconciliation had been exhausted; when the sword was drawn, and there was no alternative but revolution or treason, they took their ground with the intrepidity of men that could look danger in the face, and proclaimed the independence of the United States.

Such were the causes and origin of the War of the Revolution. For seven long years did the American people wage a doubtful contest with an enemy that had attained the very highest eminence in national greatness; rendered implacable by wounded pride, and stimulated to incredible exertions, by the confidence of fancied superiority. Cold must be the heart that does not

warm with the contemplation of this picture, and acknowledge with pious gratitude our obligations to the Almighty, that blessed the cause of our forefathers, and supported them through the dark days of their almost hopeless conflict. The strongholds of the country were subdued, and many a disastrous battle dimmed the hopes of liberty. On many a field the blood that was poured out in defense of freedom lay unavenged; and many a mother wept for her fallen sons with bitter anticipations of her country's fate. But the spirit of the people was unsubdued, and the indissoluble Union of the States, which no jealousy could undermine, were the best assurances of ultimate success. Neither the want of arms, of money, nor of the necessities of life could shake the firmness of Congress, nor seduce the fidelity of the patriot army. The steady resolution displayed in the counsels of America, and the magnanimous sacrifices of her sons in arms, commanded the respect of the nations, and secured the alliance of powerful friends. The foe was broken by the energy of a resistance that would not yield; victory at length rested on the arms of America; and millions hailed with delight the star of peace once more resplendent over the land of freedom.

The independence of the United States was acknowledged by the treaty of 1783, and a just cause was crowned with the most glorious success. A great revolution was effected and a people of British name and origin were irrevocably separated from the parent stock.

But the glory of this day consists not in the downfall of power but in the establishment of a new and more beautiful order of things. Revolutions have been common, but it was reserved for the sages of America to bring back again the times of the Republic; to restore a name that had almost been forgotten by the nations—and to exhibit in these late ages the example of a Free Commonwealth. Here is the source of the joy and gratulation with which the return of this day is welcomed. This it is which has rendered the American Revolution a great event in the eyes of the world, and made it a resting place in the progress of history. But the first difficulties only had been yet overcome; the consummation was still deferred and the United States was to pass through many trials after their independence was acknowledged before the promise could be fulfilled, and the people could repose "every man under his own vine and fig tree," in the conscious security of a just and stable government.

Nor did it require less virtue to establish the Constitution than to overcome the arms of Britain.

When the rupture between the mother country and the colonies took place, State governments were naturally and easily organized, because they were built on the basis of the Colonial governments. But to establish a common jurisdiction in the place of that which had been swept away, was an undertaking

in which it was necessary to build anew. Neither the same powers which the several colonies had recognized in the general superintendence of the mother country, nor the same forms were any longer applicable. The adjustment of the common duties which the war had imposed on the States and the regulation of their common interests required a superintending and controlling power. But to organize such a power required a new system for which the times afforded neither leisure nor experience. A union of the heart and hand was created by necessity; afterwards by the articles of confederation—such powers and such only as the exigencies of the times demanded were vested in Congress. Self preservation made the States cooperate in the common defense and preserved the Union in despite of the defects of the Confederacy. But the return of peace brought new duties for the discharge of which something more than the independent action of the States was necessary—a great public debt had been contracted, the channels of trade were obstructed, and industry was at a stand. To discharge this debt—to superintend the relations of peace and war—and to open a commercial intercourse with foreign countries were the duties of Congress; but the power of effecting these objects was everywhere wanting. The State governments were essentially local in their character. By the articles of the Confederacy the States were sovereign, but they were sovereign in a condition of perpetual minority; and the gratifications of State pride resulted in the dishonorable privileges of a legal disability. In separating from Great Britain the colonies had no design of separating from one another. On the contrary, a strict Union among themselves was indispensable to the freedom and independence to which they were heart and soul devoted. The general interests were intrusted to Congress; but in their feeble hands the public prosperity was withering away. The general confusion was increased by a disputed boundary with Spain, the hostility of the Indian tribes and the occupation of the western country by British garrisons. The public creditor called in vain for justice, and private distress went hand in hand with national bankruptcy.

Five years of embarrassment, weakness and confusion, succeeded to seven years of glorious but desolating war—and a new revolution was approaching. The people of the United States were really fellow-citizens by birth: the several States were in fact but members of one body. The interests which the States could not regulate were essentially interwoven with the whole structure of Society, and for the want of a common jurisdiction the people were to a considerable degree deprived of the protection of any government. The dissolution of the confederacy appeared to be inevitable—and the only way of safety lay in the concession of high, important and sovereign powers by

the States. Such sacrifices, however, could only be expected from the most generous and enlightened patriotism. The love of sway is so natural to the human mind that the voluntary resignation of power will always constitute an exception to the ordinary conduct of men. The establishment of a national government, therefore, encountered all manner of opposition as well from the interested ambition of some, as from the honest fears of others. But sentiments more worthy of the virtuous days of the Republic, a sense of justice, a high feeling of national honor, a generous love of country at length prevailed; and the States adopted the decided measure of appointing delegates to the Convention of 1787. To this memorable council everything most venerable in character, most distinguished in service, and eminent in abilities, was seen repairing from all parts of America. Their duties were equally novel and arduous, and the difficulties which surrounded them almost insurmountable. During the whole summer, from May to September, they discussed the nice and difficult balance between the States and the General Government, and the distribution of the powers with which the General Government should be invested. Nor did they close their deliberations till they had devised and completed a system which, for comprehensiveness of plan, the accuracy of the method, and the harmonious adaption of the parts, easily surpasses the work of all former law-givers, and justly challenges the character of a masterpiece of wisdom.

The unanimity of the Convention was a great source of joy. But the battle was not yet won—the Constitution was still to undergo the severe scrutiny of the States in Convention. There the debate was renewed with zeal, caught from the passions which most powerfully excite the mind.

Every objection was urged which ingenuity could form, and every point was defended with all the skill of argument, and force of intellect. For a whole year the decision was suspended. In many a stormy debate the cause appeared to be lost, and in many a narrow division the Constitution was saved by a few votes. But at length reason triumphed over prejudice; the accession of 11 States terminated the struggle which the powers of chaos had maintained with the principles of order, and the long period of doubt was closed by the adoption of the Federal Constitution. Such were the trials through which our fathers passed, and such the difficulties of founding the seat of Liberty in this Western world. History affords no parallel of a people taking up arms in defence of their liberty, prosecuting the war with the highest fortitude and courage, to a successful termination; and afterwards in time of profound peace, calmly discussing, and deliberately adopting a free Constitution for the government of themselves and their posterity. Nor were the actors in these great scenes unworthy of the parts they were called to

perform. And as in the representation of Genius the plot is not considered perfect, without some preeminent personage who fills the highest part, and is distinguished as the hero of the scene; so the moral sublimity of this grand national exhibition is raised to the highest degree and perfected in the character of Washington. In him we behold a model of virtue and greatness, to rescue the human name from obloquy, to teach men the truth of their celestial origin, and to revere in their common nature the presence of something noble and divine. Let the grateful task of commemorating the fame of Washington and his companions be committed to an eloquence more worthy of the theme. Their names are recorded in history, and there may every one who feels for the honor of Carolina read with exultation that Rutledge, the pride of the South, and his compatriots were equally distinguished as the defenders of liberty, and the zealous champions of the Union.

Thus was the settlement of things in the United States effected; and those who, by their own good swords, had made the States sovereign, animated by a disinterested zeal for the public good, retrenched the prerogatives of the State to make the national government supreme within its proper jurisdiction. To establish justice, ensure tranquility, and secure the blessings of liberty, were the high and noble motives of the authors of the Constitution. Does any one regret their choice? To appreciate their political wisdom, look around. The gloom which hung over America has been dissipated. No hostile tribes any longer disturb the peace of the frontiers. The Mississippi, no more a Spanish river, bears on its bosom a vast commerce, the produce of the Western country now converted into the seat of new and flourishing States: Commerce no longer languishes in our bays and rivers, but spreads its sails in every sea, and rides in proud security beneath the starry banner: The creditor no longer complains of violated faith; the public debt is paid, and justice waves her peaceful scepter over a land that smiles with plenty. But shall it be said that the necessity of the Union no longer exists? that the Constitution has served its day, and may now be consigned to its place among the trumpery of a by-gone age? God forbid—too often have the best hopes of men been blasted by the presumption of success; too often have the wholesome lessons of experience been supplanted by the flattery of those false friends with whom the summer of prosperity abounds. Union and Liberty are essentially connected. Let presumption forbear and learn that those whom God has joined shall never be separated without incurring the doom of a heavy retribution.

There are two dangers against which a free State must always provide, domestic faction and foreign conquest. The Federal Constitution is the only effectual safe-guard against both. It

provides ample means against foreign aggression, and is the very best security against the tyranny of faction. Without the Union South Carolina would be a simple consolidated government; but in such a state, when a combination exists powerful enough to ensure a majority, laws afford to the proscribed minority but a feeble security. That such combinations will take place is certain, for the tendency to party is inherent in the human mind; and they will be most prevalent in small States, because in them the intimate association of all the members of the community creates a more lively interest in the individual fortunes of every leader—brings the excitement of controversy into every house, and kindles the minds of all by the passions of a few. But the Federal Constitution keeps party within bounds by limiting the amount of power and patronage that can be obtained by getting possession of the States. To lay hold of supreme power it is necessary to surmount the barriers of the Federal Constitution, as well as those of the State Constitution. If the Union was abolished any party that gained the complete ascendancy in the State, would have all things at their command—the appointment of Ambassadors, Generals, and Naval Commanders, with the direction of military forces, in addition to all the appendages of the present civil list. Such patronage could not fail to excite the cupidity of that class numerous in all countries, that desire to live on the public burdens; and the possession of supreme power would present to ambitious minds an object of the highest attraction. The contention for public favor would be carried on with inextinguishable zeal, where the prizes of success were so brilliant. The dominant party would be above all law, and the identity of State sovereignty and despotism would be verified in fact. Nothing could be more fallacious than the opinion that interest is the only ground of party, or that no parties are dangerous but those which are separated by a difference of interest. The truth is the other way. Such an opinion could only be suggested by a narrow view of that comparative exemption from domestic faction for which we are, in fact, indebted to the Constitution of the United States. The distinction between two governments, State and Federal, has a great tendency to unite the people of each State among themselves. But parties founded on difference of principle and opinion, aggravated by foreign influence, naturally the bane of Republics, would spring up in rank luxuriance among the people of the same State as soon as the barriers of the Federal Constitution were removed. Whatever therefore tends to destroy the Federal Constitution, instead of increasing liberty, strengthens power; divides the people of the State, instead of uniting them; and opens the door to the excess of faction. But do not our own times furnish a new and instructive lesson on this subject? The Union Party and the Nullifiers are divided by a dif-

ference of opinion as to State Rights. And can there be a stronger illustration of the violence of party than is found in the fact that now, in the complete ascendancy of party, the same arguments are actually employed against the minority, which the British Ministry in 1776 relied on against America to show that sovereign power can not be limited? Private rights must give way to Imperial Sovereignty of the State, and party zeal is not satisfied till it has been carefully and exactly demonstrated that a majority of two-thirds may well do whatever any despot can inflict on his unhappy subjects. Kings would trample upon law by virtue of divine right—party leaders claim to do the same thing by virtue of the sovereignty of the people. That Constitution which sets some limits to the State Sovereignty needs no higher eulogy than the alliance thus avowed between sovereignty and despotism.

The deplorable defects of party in the Republics of Greece and Italy are written in every page of their history. But why seek for foreign examples? If there be any abuse of power particularly odious and revolting, it is the presumption of attempting to bind the human mind in chains, and to make opinion the subject of penalty. And of all the people under Heaven, our fellow citizens of South Carolina, where a majority has so recently seen fit to change their principles, ought to be incapable of aiming such a blow against freedom of opinion. Yet even here no sooner was party ascendancy complete than the reign of proscription began—by test oaths and pretentious threats of laws against treason. In March, 1833, a Convention claiming supreme imperial power, the *jura summi imperrii*, ordained that it should be lawful for the Legislature in their discretion to exact an acknowledgment of such supreme authority, by a suitable oath of allegiance, as a test of qualification for office; and to secure State Sovereignty by giving a free scope to the laws of treason. And in December of the same year the Legislature responded by vacating all offices in the militia, and requiring all the new officers to make upon oath that profession of allegiance, which the Ordinance required. A judiciary, of whom any country might be proud, are now denounced for vindicating the Constitution from this assault. We still trust that the people will not consent to see the faithful guards of the temple of Liberty overpowered in the defense of their post. But if mankind must have a new proof how surely justice is trampled under foot by party, and the judges who have defended the Constitution from the first inroad of lawless power must be sacrificed to its rage, their decision will at least be an enduring record of the freedom that was enjoyed before the Test Oaths began, and an imperishable monument of moral firmness and judicial integrity.

The sovereignty of the people is an axiom of Liberty. But

that sovereignty is a shield to defend, not a sword to destroy the private citizen. It lives and moves and has its being in the supremacy of the Constitution. Apart from the attributes of constituted authority, it becomes undistinguishable from wild force and lawless power. It is not the natural right of man to overturn existing establishments, and to construct new governments: for this is a right to which all men are entitled. But the sovereignty of the people is the characteristic of constitutional government; and the meaning of it is that all power is held in trust for the people, and all public authority exercised for their benefit. The rights and jurisdiction of an independent nation, whether under the form of monarchy, despotism, or a commonwealth, are called sovereign powers, and under our complex system those rights belong, some to the State and some to the United States. There is no place in the nature of things for any other sort of sovereignty. Why should we lose sight of the realities to wander in a field of barren abstractions? The Constitution of the United States is not a mere system drawn up from first principles, but a primary law, adapted to the existing state of things. If it makes distinctions which are inconsistent with the definition of sovereignty it is not on that account less obligatory. But even if there had been no necessity for it in the actual circumstances of the country, the wit of man could have devised no happier invention for the security of freedom than the partition of Sovereignty between the States as members of the Confederacy, and the Union as the superintending and controlling authority—a distribution which abridges the reach of power and shortens the arm of Government.

These considerations would justify our zeal for the Union. But when it is remembered that war between the States must inevitably follow their separation; that schemes of conquest or of defense would lead infallibly to large military establishments: we are astonished at the blindness of those who will not see the necessary connection between Union and Liberty. From the day that the Federal Constitution is abolished the sword will never be laid aside till the avenger comes and the tumult of faction is hushed in the tranquility of despotism. The fate of unhappy Poland is before our eyes: and what a warning do the calamities of that country of many sovereigns, hold out to the people of these States. Brute force and superiority of numbers have triumphed over valor and justice, and swords drawn in the most righteous cause to which a gallant people ever invoked the favor of Heaven, are shivered in the dust. United among themselves, the Poles might have defied the world and sent the barbarian howling to his own deserts. But neither valor that mocks at fear nor the sympathies of all hearts in which the sense of justice is not dead, could save that devoted people from the fatal catastrophe of internal divisions. Let him who derides

the Federal Constitution; who thinks there is nothing sacred in the bond of Union, enjoy the short-lived applause of ephemeral popularity; but the profound wisdom and exalted public virtue of the founders of the Constitution will command the lasting veneration of mankind; and the meed of praise and honor shall be awarded to him whose name descends to posterity connected with the noble sentiment—“*The Federal Union—It Must be Preserved.*”

To preserve that Union should be considered now, as in the time of Washington, “the greatest interest of every true American.” Nor is it to be denied that the times are portentous of change. New theories concerning sovereignty and the binding force of the Constitution are abroad. Let us pass by the consideration of the effects that must ensue from principles that put the Constitution under the feet of a majority of two-thirds in any State, if those principles be carried out in practice; we need not dwell on the consequences of exclusive allegiance when disputes arise concerning the boundary of jurisdiction between the public authorities; we will say nothing of the lawfulness of establishing the creed of a party as the standard of orthodoxy, upon a subject so interesting to every freeman, so complicated, and necessarily giving rise to so great a diversity of opinion as the true balance of power under the Constitution. We take for granted that the new theory is not infidelity to the Constitution, and the followers of this sect are really willing to remain within the pale of the Union. But let us consider for a moment the moral influence of the theory in weakening the sense of public duty.

There is in morals a distinction between duties that are merely positive and those that are founded on the great principles of justice. The distinction between allegiance to the State and obedience to the United States, implies that the one is natural and the other merely conventional; and that the duty of the citizen to obey the laws of the United States has no sanction beyond that of a rule making a difference between two things in themselves indifferent. No one would pretend to make a merit of such obedience or to dignify it with the name of virtue. Patriotism is the sentiment which makes obedience honorable. But if the citizen owes no allegiance to the United States it is not his country and his obedience is at best but a mercenary service. If the Federal Constitution does not make us fellow-citizens it can be regarded in no other light than a foreign yoke, and every feeling of patriotism must be enlisted against it. The theory which makes selfishness the only spring of action may be compatible with the exercise of generous virtues, and the heart correct the errors of understanding. Opinions which are degrading to the obligations of the Constitution may perhaps be harmless in practice; but it is difficult to conceive how these

opinions can be enacted into law without becoming in some measure a rule of conduct; and when those who call themselves citizens of the United States are marked as enemies of the State it is impossible not to feel that the foundations are in danger. Force secures obedience in countries that are not free, but the Republic requires a more perfect service, the free will offering of the heart, the spontaneous affection of the people. Deprived of the support of patriotism, all constitutions are but dross. Though Washington sleeps with the mighty dead, we have his testimony in the solemn warning he has left us, that without *a cordial, habitual, and immovable attachment to that National Union, which makes us one people*, our faith in the Constitution is in vain.

Another venerable name, now numbered with the dead, calls to us from the grave to stand by the Union as the Palladium of Liberty. LaFayette, the early friend of America, whose generous life was one long struggle against tyranny, has terminated his earthly career. Many are the names in the honored roll of patriotism to fire the mind with the love of virtuous fame. But this distinguished son of France gained for himself a peculiar claim to our gratitude—we love to dwell on the youthful enthusiasm, the high spirit of adventure that brought this young disciple of liberty from the Court of France to become the partaker of the hardships of an American camp. It was not military glory but a noble passion, a zeal for liberty, a generous sympathy with a people struggling to be free, that made him prefer the rude tents of America to the palaces of kings. His profound veneration for the character of Washington was the ingenuous homage of a mind uncorrupted by factitious distinctions to true dignity and greatness. The same principles governed his conduct through the whole of a long and arduous life. He saw with delight the day-spring of liberty in his native country, and watched its progress with eyes of longing devotion. He was doomed to behold the cruel reverse of all his hopes; and to see again and again abortive efforts to establish a free constitution overwhelmed by the blind rage of the multitude; destroyed by the base ascendancy of demagogues, or crushed by the iron hand of military despotism. But to his latest days he preserved the same generous sentiments that had animated his youthful mind, and midst the wreck of European liberty still regarded the Constitution of the United States as the Beacon Light in the darkness of the storm. Yes, generous shade! thy pilgrimage is closed—thine eyes are spared the anguish which the extinction of *that* light would cause to all who venerate the name of Liberty. Long shalt thou be remembered for unshaken fidelity to the cause of freedom.

Faithful found
Among innumerable false; unmoved,
Unshaken, unseduced, unterrified.

And long may that Constitution, which claimed thy love and admiration, defy the rage of faction and perpetuate the Liberties of the Great Republic which owns thee for a citizen, and now surrounds thy tomb with the memorials of a Nation's Gratitude.

TO WILLIAM DRAYTON

Charleston, 11 July, 1834.

My dear Sir:

The decision on the Test oath was by no means so satisfactory as our first hopes. Only a majority condemned the detestable principle of a political creed, and the Nullifiers raised a yell when the decision first came out, that was proof of the most savage intentions. The fury of passion, however, has subsided in some degree. The part which Hayne took was much more moderate than was consistent with the temper shown in the meetings where resolutions had been passed on the subject. The Union officers receive their commissions and the object of political agitation seems to be to effect the alteration of the Constitution according to the Bill that was brought in last winter. It seems that they will succeed for Warren who voted against it last year, has promised to vote for it under instructions of his parish—and A. Huger 'tis supposed will lose his election which gives them two votes—and will make their majority in the Senate greater than it was. My opinion is that there is nothing in the alteration of the Constitution in this particular that can be brought into conflict with the Federal Constitution. The oath in the Military Bill was a Test oath, because it was in affirmance of the ordinance of 1833. The Ordinance establishes the distinction between allegiance to the State and obedience to the U. S., and it was impossible that any of us should sanction that distinction. But the alteration of the Constitution does not derive its authority from the ordinance, and the mere declaration of "allegiance to the State" without any words of exclusion or aggravation can hardly be regarded as unconstitutional. We shall oppose the alteration, however,—as unwise and unjust—for in fact they mean an unconstitutional thing but have not the hardihood to speak out. Should they do no more however than carry this amendment we shall acquiesce in it. Whether they will do more is vastly uncertain. Many of them are for punishing the judges and the best of them are not too good to do it if they were assured of immunity. But motives of policy will operate strongly against such schemes—and I am in hopes that in this case they will consent to behave honestly—from reasons of policy.

I am, dear Sir,

Yours truly,

TO HUGH S. LEGARÉ

Charleston, August 1, 1834.

I received your letter of 11th of June, my dear Legaré, yesterday, and one of 27th of May a week before. I see with pain that your mind is not as much at ease as it was while your curiosity was more excited. But it is only a passing cloud. He that can learn German to amuse him has resources that make it even criminal to be unhappy. It is as unreasonable as our friend Harper, who can take a quart with impunity, making shipwreck for the sake of one pint more. This reminds one of his opinion on the test oath, which came out long after the time all on account, his friends say, of his "forswearing their potations." I sent the arguments of O'Neill *vs.* Johnson (as that model for an apprentice in the law, Master Plowden always calls them) and hope you got them, and before I commit this letter to the post I will rummage for a copy of Harper's, which is very well done for a thing of the kind, I suppose. But, positively, all Nullification seems to me equally good, and I am serious in thinking Lewis Cruger one of the ablest writers on their side. There is something in this notion of turning the most important pursuits of men into an exercise of ontology that looks marvellously like setting bedlam loose and locking up the rest of the world. The eloquence and power of reason which I see everywhere arrayed in defence of Nullification, State sovereignty, etc., fill me with such a feeling of despair as we may suppose would operate upon those that would have to listen to the first outbreak of imprisoned reason exulting in the overthrow of the doctor versus the straight jacket.

The first motions of the party after the decision were so violent that I expected an immediate call of the Legislature and a new convention. Poor Gregg took that occasion to prostrate himself before Dagon. He attended the meeting which the set called in Columbia and distinguished himself by heroic abuse of the men who were assailed by popular clamor. Never tell that story any more about truth being somewhere. He has gone where it never was found yet. The party in Charleston followed in the wake of the choice spirits of Columbia, and determined upon raiding the association and uttered many violent things. Hayne responded by a proclamation, thanking them for their sweet voices, but declining to call the Legislature. For this he has been greatly praised. I believe it was mere policy and nothing else. If they had gone to Columbia there would have been some strange doings and, perhaps, our friend, Pepoon, with his application for the "guaranty," would have been looked on with something of the feeling with which many a prophet has been regarded, after being laughed at. The 4th of July has now passed and it is evident that the party is con-

solidated for the alteration of the Constitution. The toasts are distinguished for violence and vulgarity; and some slang-wanger says that Mr. Jefferson always went a great deal by the July toasts. The only man of the Nullifiers in Charleston that I have heard express a disapprobation of the test is Magrath. He would not attend the circus and has not, I believe, taken any part in what is since plotted. But he is, you know, so strange that it does not follow that he would not go as far as any of them for the oath when he is set agoing; for as far as I can understand him he has always been against everything in his party, but some abstract principle that few, I take it, could comprehend but himself. They have offered Holmes honorable retirement, which I advise him to accept. I don't wish any man like Holmes to join our party, I have seen too much of the company of gentlemen that can't sit, as Lord Brougham says, on the cold sack of opposition, to desire any more of them with us. In fact, it is childish to quit a party that is in the ascendent in order to leave the power without check or control in the hands of the worst men. Holmes is one of the few men whose heart has not been corrupted nor his understanding altogether enslaved by the drill of the association, and I think he can be more useful to the country in that party than out of it.

There is some secession from the Nullifiers on the part of certain office-seekers. I believe Burrell is the leader of that respectable interest in the Commonwealth, but as yet their members are too few to promise any great help in the election. If any schism arises among them it will come from the Irish. In their anxiety to keep up the opinion that the Northern people wish to get their negroes away from them they have been publishing in the *Mercury* that these late riots in New York were no test of public opinion, but were got up by the low Irish, who were the natural rivals of the negroes. Two or three more such pieces in the *Mercury* would tell more than a ream of Grimké's new orthography. These incautious expressions, however, will be glossed over, I suppose, and the growing ill-humor of Pat pacified before it breaks out at the election. In St. Thomas I believe Alfred [Huger] has no chance. His health is bad, and he has no more conduct for the management of a parish than if he had never heard of such a thing as policy. He was at home all the winter and spring, and in the course of that time never said or did anything to gain a friend or soften an adversary, but just the reverse. He has gone to Virginia again, to which place I ought to have forwarded your letter to him, but I sent it to Pendleton, believing he was there. I am sorry to say he is in a very bad way. His health probably is nearly as bad as he thinks it, and his spirits quite desperate. Nor is the Judge [Huger] any better. The ordinance has unsettled him. He was against going to law about the test oath, but for fighting. You may

well ask how, where, on what ground? Nor has anything happened to me that I have felt more severely for a long time than the loss of his confidence; for to such a length did he carry his zeal that he has never forgotten our opposition, particularly mine. With every prospect of the Constitution being altered the question now occurs, what shall we citizens of the United States, resident in South Carolina, do? Can we take the oath? You will see it in one of the newspapers I send you. You will have observed that Judge Johnson has decided this question and I agree with him. But Judge Richardson will not hear of such a thing. He is for giving out, at least, that we will never submit, and he says that there will be a general emigration from the back country if the Constitution is altered. This puts one in mind of your colony. But, my dear soul, we are not the men to colonize. Your frontier folk are very unamiable and, as to political rights, we should, in such circumstances, hardly feel disposed to exercise them. No, if you return home go to New York if you don't go on the bench; with your advantages and talents I should not hesitate. And there is one thing peculiar to that city, there is no jealousy of strangers. Their first places are as free for Virginians as Yankees, as for the descendants of the Dutch. This comes I suppose of people feeling strong. Jealousy seems as natural to weak States as to feeble men. Now, I don't suppose any qualifications or merit would excuse the presumption of a stranger intruding into Delaware to compete with the natives. You know they have an executor's law there giving priority to Delaware debts, as being all specialties in comparison with the rest of the world.

Judge how gaily time must pass from what I have told you.

It is an undoubted fact that though that box—that valued box—has been in my cellar a month, I never have been able to find a friend to taste it with me, and considering it a sacrilege to drink such wine alone, it remains like something sacred with the seal unbroken. I send you my Fourth of July speech. Pray, don't laugh at the pious defence of our planetary system, which custom has made so reverend. Think of your own case and be careful of quizzing people that may have things to tell. I send you Berrien's too. I could not help laughing to see that we both ended with LaFayette, and I dare swear that the same peroration, or something like it, has gone the rounds from Georgia to Passamaquoddy. Your mother is at present on the Island. The heats have been excessive. Thermometer at 92—now the city is flowing with rain. If Cruger comes your way make me remembered to him and let him know his sister, Mrs. Hamilton, is on the Island and very well. Adieu, my dear Legaré, and believe me always and altogether yours.

The national politics are all embroiled to that degree that they are scarcely interesting. Mr. Chevalier had some good ideas. I had him printed in the *Courier*.

CHAPTER XVIII

AUGUST-DECEMBER, 1834

CLOSING SCENES IN THE DRAMA OF NULLIFICATION; PACIFICATION BETWEEN NULLIFIERS AND WHIGS BROUGHT ABOUT BY HAMILTON AND PETIGRU

TO WILLIAM DRAYTON

Charleston, 12 Aug., 1834.

My dear Sir.

I received your letter of the 22d ult. which I read with the pleasure and attention that your advice is always received with. Your views respecting the Test oath and the alteration of the Constitution are so entirely the pattern of my own thoughts on the subject that there can be no doubt as far as my influence goes of the course of the Union party in relation to those subjects, and at first I was of the opinion there would be no difficulty in moderating the zeal of our friends to that standard. But I am sorry to find a great tendency on the part of some of them to carry their opposition to the alteration of the Constitution as far as to the Test oath. Judge Richardson is the most conspicuous that I have had an opportunity of conferring with from the back country, and he is very disinclined to construe the amendment of the Constitution innocently. We have had several interviews about it and I have promised not to promulgate my notions till the election is over, and he has promised to consider the subject. I saw a letter from Blanding which was very strong in the same view of things, that Judge R. takes and I am afraid that it is the prevalent way of thinking in the back country among the Union men. Yet I hope they may be tranquillized between this and the close of the Legislature. There seems to be no chance of defeating the alteration of the Constitution. Our friend Holmes who is the only gentleman in their party that has broken ground against the oath is likely to be put out of the pale. Your surprise at the part that Hamilton has enacted was not greater than mine. I confess I was most painfully sensible of those qualities, which enter into our ideas of an agitator, a man born to disturb the peace of society, when I conversed with him after the decision of the Judges, when he was about to rally his men again and reestablish the States Rights associations. The *Mercury* of this morning contains an editorial which I do not think came from Stuart and is

marked by a greater degree of moderation than anything that has appeared in that print for years. I am sensible that we must be confounded with the indiscriminate supporters of the President. Indeed many of the party in the back country are such. But considering the grounds we occupy in the controversy with the nullifiers it seems to me inevitable that we must support the President generally. We have just heard this morning of the death of Judge [William] Johnson and of course people are speculating about his successor.* Some of the lawyers would fain make me believe that I am likely to attract the attention of the President: of this however I have no notion—but if you are willing to return to Carolina I think that all parties would unite in wishing you to do so, and accept the office. You or Mr. Legaré, if you are out of the way, ought to be the choice of Carolina as I think. What may be in agitation in Georgia I do not know—but it is presumable the appointment will be made there unless you are the Judge.

The general opinion in the City is that the Judges of the Court of Appeals O'Neil and Johnson will not be molested. That Hayne will be placed on the Bench with a fifth Judge, who is to be Dunkin. We have resolved on running a ticket for Intendant and Wardens. There is some sedition in their ranks. And the mercenaries are making us offers every day—but our party has resolved not to buy votes—and in so doing we resolve of course to give up the best, perhaps only chance, of carrying the election. The dissidents are such men as Prendergrass—Bunell the Shoemaker, Robinson who was an auctioneer, Dursee who was formerly on the guard. The only thing I can observe in it is that there is less fanaticism among the mob about State rights. These men are perfectly rational and put the controversy on grounds that satisfy any utilitarian of willingness to make interest their polar stars. The practice of bribery is very tempting to those who give as well as to the recipients. If it was not so expensive I have no doubt it would become universal. I hope you got the copy of my oration which I sent you.

Yours truly,

TO HUGH S. LEGARÉ

Charleston, September 16, 1834.

My dear Legaré:

I received yesterday your letter of 12th July, and read it with intense interest. I begin to think, after the third reading, that I know more about St. Stephen's chapel than if I had seen it with my own eyes, and congratulate myself more than once of

*Judge Johnson of the U. S. Supreme Court, a staunch Union man, died in Brooklyn.

my good fortune that enables me to look at objects of so much curiosity which your letters, like magnifying glass, represent as clearly as if they were close at hand. Only one thing, my dear Legaré, discredits your judgment, and that is the over-estimate you put on your poor friend's parts. Heaven has given me no more wit than just enough to feel and appreciate the works of genius without any capacity for execution. I read somewhere the other day a remark that coincides with your account of the House of Commons, that it is an assembly not very strong in orators, but vastly formidable as an audience. I admire your discrimination between the speeches in the House and the boasted reports in the newspaper. But it is not that part of the orator's art as separate from the writer's. The printed drama does not inform you what sort of an actor it was that played the part. If it could there would be no use in seeing the play. The difference between Parliament and Congress, which seems to be in the audience more than in the speakers, is, nevertheless, a most important one. And I fear that in America we shall find it a great desideratum, the absence of silent members which, like the sturdy yeomanry, are a class that neither Kings nor schoolmasters can supply and without whom the tinsel of rank or rhetoric is equally useless. But I am sorry to see that the tone of your last letters is decidedly less cheerful than formerly. I hope the *re infecta* has not brought you to Solomon's conviction that all is vanity; and that the restoration of your health will be attended with better spirits than the royal Jew, with all his means for enduring the burden of life, could boast of. As to your coming home, I've told you already in a letter I wrote in July (for, sluggish that I am I passed the month of August in such a drowsy condition that I wrote nothing and did nothing, and so my July letter is my last,) I say I wrote you in July that as Judge Johnson was gone and you were the only one I knew that was fit to fill the place, for which God knows how little he was fit, I wished you were at home or had some friend near the old man to nominate you. Mr. Pringle and Mr. Poinsett, without consulting me any further than to inquire in a roundabout way what I thought of such a Judgeship, have written to some one, I believe to the President himself, to let him know that they think me cut out (as they say) for a Judge. Wayne, of Georgia, as I have heard from Mr. Bullock, has written a letter to recommend Col. Drayton.* I wrote to Col. Drayton also and told him, what is really true, that if he were nominated it would give everybody pleasure and me particularly. I would rather you or he were appointed than myself, and after you two I would have very great objections to anybody else.

As to me, it is out of the question. I don't think it is the will

*Wayne, of Georgia, was appointed.

of God, and have certain information that it is not Van Buren's. For he told Tom Condry, or somebody in Tom's hearing, that I made a very unfavorable impression upon the people at the North last summer, which, to give the devil his due, was very plain spoken of Master Van, and makes me think him a much more open fellow than he has credit for being. My practice brings me about six thousand dollars a year in these bad times, and after all the dignity of the Bench is not equal to one thousand five hundred dollars a year, which is the difference between income and honor. One who could write like Sir William Scott, or draw conclusions like Chief Justice Marshall, and only such a one, would in fact, after the first congratulations were over, find that he had any accession of credit or influence by holding Uncle Sam's commission. So that you see, my dear Legaré, that in giving way to you I am not enacting a great part; like the friend who resigns a mistress that he loves, and if you would ever return to Charleston, this is, I think, the only way it would suit you to return. I'm afraid you would find the Bar as disgusting as Cheves and Drayton found it when they revisited the haunts of their youth, and the fury of party is such that you would be in all probability excluded effectually from everything else except the Bible Society.

We made a rally at the last election for intendant and wardens, and showed a front of so imposing a kind that the Nullifiers laid out about fifteen hundred dollars on the election, and beat us 240 votes. We are now concocting a ticket for member of Congress, members of the House and Senate. It is not so easy to find candidates when there is no chance of winning, and I fear we shall be sadly put to it for a Congressman. The others we can impress into the service, as it is a parish business, which, like riding patrol, must be taken in turn. Poor Pinckney, the present incumbent, has totally exploded. * * *

There seems to be no sort of chance of rousing the dormant sense of justice among our people and the elections, which will turn on the alteration of the Constitution, will no doubt show an overwhelming majority in favor of the test oath. For though the alteration of the Constitution really amounts to nothing but an insult on us, it is voted for and supported by those, and I believe those only, who go the whole length of justifying the exclusion of every man from civil privileges that will not swear "that Nullification is the rightful remedy." The equivocation to which the word "allegiance" helps them is agreeable to certain leaders only, viz: Hamilton and Hayne. I have reason to believe that Hayne gives himself credit for this stroke of policy. The rabble of gentlemen and fools were intent on going forward; something was to be done to satisfy the spirit of reform and this was Hayne's scheme to keep on the windy side of the law and on the blind side of Demos.

Against their wishes the House stuck the new oath into the military bill, for they were so delighted with it as a test oath that they could not wait, but would swallow it raw. That gave us a fair opportunity of bringing their ordinance to a judicial scrutiny. But when the Constitution shall have been altered we can not make it appear judicially that it is unlawful to swear allegiance to the State, merely because among the Acts of the Nullifiers there is a chapter about it which contains falsehoods and errors. However plain this may be, certain it is that on one side they vote for the amendment of the Constitution because they mean by doing so to declare their faith in the spurious chapter, and it is opposed on the other side as if they were voting upon the ordinance itself. I understand that Calhoun is with the mob thoroughly on this question, and wished to have his last revelation incorporated in the Constitution, which is a new instance of the close connection between imposture and delusion. I do not know any but two instances of decided opposition to the oath by Nullifiers—Holmes and Magrath. By the way, the latter has just left me, having come in and kept me back on this letter at least one hour. It is to be seen how far this opposition may grow into a schism, but there is not at present any immediate prospect of hope to our party. Ah! if we had a really eloquent man to state our case it might make a difference.

But we have other griefs. The cholera has broken out with great violence in Savannah River—250 negroes have died already. It began at Wightman's twelve miles above the town. There was no infection nearer than New York when the fiend at one bound lighted on the premises of our reservoir agriculturist. (It is the place that was Gen. Read's, and which was swallowed up by the old Mammon in double bank discounts and accommodations.) It appeared on my plantation last Friday, the 12th, and I have lost one negro certainly, how many more I can't say, as I have not heard since. It is making great havoc on all the plantations. Hamilton, who has gone there, writes me that the negroes are sometimes brought in without any premonitory symptoms in the first stage of spasm, and then there is scarce one cure in ten. But hitherto the deaths have generally been one in three. It is highly probable it will ruin me; that is, compel me to sell the plantation and what is left of the negroes to pay for the residue of the purchase. As yet it is confined to the negroes, as if, like the yaws, it was an African disease and it has not got northward of Savannah River, but it has spread to Ogeechee. There is said to be yellow fever in the city, but all our cares are absorbed by the cholera so much that even the existence of yellow fever is left doubtful. I must leave off to save the mail, for it is more expeditious to write by the Havre packet. Mrs. Pringle was so much delighted * * * [Rest of letter lost.]

TO HUGH S. LEGARÉ

Charleston, October 26, 1834.

My dear Legaré:

We have lost poor Grimké.* The news of his death reached us last Thursday. He died near Columbus, in the State of Ohio. He had gone there to deliver a temperance oration and died of cholera after twelve hours' illness. There has not been in my time so general an expression of sorrow for the death of an individual. Every one seems to feel that such as he was our society contains no other like him. Was not his death in perfect character with his life? To go all the way to Ohio to die of cholera in the recommendation of temperance. The moist eyes and the sobs of the speakers at the meeting of the Bar yesterday were the most affecting testimony of his worth.

We have had other causes to grieve. The elections have given the Nullifiers two-thirds in both houses and the alteration of the Constitution may be considered certain. We made great efforts and rallied the whole of our party, but the majority retained an unbroken phalanx. The only considerable men who openly dissented were Holmes and Magrath, and they were neutral. It is to that neutrality that I was indebted for so large a vote—within 60 of elected. The Irish nation have never forgotten that you and I backed them some seven years ago against the Corporation and Test Acts, and it is only wonderful that they did not openly rebel at this time. I believe they wait till the test oath is really established and reserve their alliance for the time when we are to have the law against us; then their fellow feeling, I suppose, will show itself distinctly. The majority is diminished everywhere, except in the rotten burroughs, and Rogers, of York, has beat Clowney, the sitting member, in the House of Representatives. In the next Congress we have two, Manning and Rogers. But Perry has failed in the contest with Davis by seventy votes. The Union party have also carried York in the election of members of the House, but the Senator, Sitgreaves, holds his seat for two years to come. There was a sort of explosion here on the first night of the election, which was near bringing on a crisis. The Nullifiers went in a body of three or four hundred to attack our quarters on the Neck. They had the night before broken into a house of ours in Queen street, demolished the windows and beat some of the people. The Union men were smarting under this insult, when the Nullies were instigated by their arrogance to repeat it; and the consequence was they were fired on and six of them wounded with duck shot. Upon this they fled pell mell and crowded to the Citadel to demand arms. Luckily, Parker refused them. Hayne and Hamilton came, and as members of the party excused

*Thomas S. Grimké died while on a visit to his brother in Ohio.

themselves from leading them to the attack. Hayne, to amuse them, moved that a subscription should be opened for the families of the wounded; told them if they doubted his courage to ask Hamilton, whom no one could doubt, and Hamilton persuaded them to wait till he had got the law on their side; with the promise of leading them to victory and revenge. He sent a flag to Dr. Dickson, who was the most prominent gentleman in our garrison, and concluded a treaty. Dickson agreed to give bail in two hundred dollars for shooting into the people and both parties dispersed. I did not get there till the cartel was received and Dickson had gone to treat. The house stands near the lines, and was indeed a very defensible piece, and I assure you I found there about fifty of our men in excellent stomach for a fight. Had the Nullifiers renewed the attack there would have been a great deal of bloodshed.

It is my impression that the Union men are now more excited than the Nullifiers. These are now disposed to moderate their tone, and it is doubtful whether they will do anything more than alter the Constitution. But I apprehend great difficulty in satisfying the Union party with so much. Any one that advised them to take the oath will be considered no longer a true man. You know my notions about this and that I don't think the alteration of the Constitution, *per se*, a cause for extremities. But I find it very difficult to induce even my friends to think so. I am afraid we shall have to call our Union Convention again and afraid of what the Convention may do.

On the other hand, the Union party in Georgia has gained a most decisive victory. Every man on the Nullification ticket for Congress, even Wilde and Gilmer, who eschew the obnoxious title, and content themselves with being called States' rights men, left out, and in the Legislature a majority of nearly two-thirds of Union men.

This clips the wings of Calhoun's ambition and is a bitter pill to our gentry. In fact the Georgia election turned on Carolina politics altogether, and the test oath was a leading topic in the controversy. They have managed very warily to keep clear of the law, but they have certainly been put to disgrace, first, in the judgment of the Court against them on the ordinance, and secondly, in the odium which their equivocating conduct has brought upon them in Georgia. The name of test oath will stick by them even if they pare away the amendment of the Constitution to nothing.

Mr. Bacot is dead. It is supposed that Alfred Huger will succeed him, and I hope he may. He has been in Virginia all the summer and recovered his health. We put him up for Congress, and Pinckney has beaten him not more than 200 votes. It appears that the elections do not very materially affect the constitution of the two houses of Congress. But the change in the

Senate will be in the old man's favor. We have heard nothing yet of the successor of Judge Johnson. I wish you were here, for I really would rather you were in the place than any one else. If it is offered to me I ought to refuse it for reasons too many to need mentioning, but I should not probably have the wit to do so. In fact, however, there is no probability of it. People who have been to the North say that Taney will be the man, and in good earnest if I were the President I should appoint him, in spite of the Senate. The circumstance that he lives out of the circuit is not in fact a reason that is not conclusive, but it would be a plausible topic for the Whigs and Nullifiers. If he is not appointed either Wayne or Schley or some other Georgian is likely to be selected. Our friend, Col. Drayton, would like it, but he has been so condemnatory in his language respecting the President's removals of the deposits that he is probably as much out of the question as Berrien or Wilde.

We have had a long and dull summer, and have got a poor cotton crop and a rice crop abridged most sadly by storm and cholera. This baleful visitation has disappeared for the present. There are probably near 1,000 negroes less on Savannah and Ogeechee since the 1st of September, when it showed itself at Wightman's plantation. It is singular that it did not ascend the river at all. It broke out at Wightman's and took all the plantations below, and spread to the south, as far as Ogeechee, but it touched none of those above. Though it went through my people, and we had no work done from the 12th September to 1st October, and generally ten to twelve down of a day, I lost but three, which was about $2\frac{1}{2}$ per cent. The loss on the other plantations where it prevailed was generally from 16 to 20 per cent. Though I have great reason to rejoice in getting off so well, still I am a great loser. Everything backward, and much further expense.

Our friend Henry North has written a book, and been at the North all the summer publishing it. I understand it is a collection of tales, and judging of our friend's view of narrative, by what he does in conversation, I have no doubt it will be characteristic and sprightly.

Adieu. Yours in all time,

Your last letter was 12th July and I received it in September.

TO WILLIAM DRAYTON

Charleston, 28 November, 1834.

My dear Col. Drayton:

The elections have passed and the cooling time between the electioneering and the meeting of the Legislature and I suppose you know all that was done and suffered by us. The nullifiers

have an overwhelming majority in both branches, tho' the vote of the Union party is stronger than it was in the Districts where they were considerable enough to contend. I wish it was as easy to do, as to find out what is right—or what one thinks right. My sentiments respecting the oath are precisely yours. The Military Bill I could not compromise with, because it seemed to me not to admit a doubt that the oath in that bill was passed in pursuance of the ordinance—and believing the ordinance void I could not but hold the oath unlawful. Now I would take the view you do of the amendment of the Constitution. But I can find nobody to agree with me scarcely. The leading members of our party except Mr. Poinsett, will hear no explanation. On the other hand, the fanatical and hypocritical parties among our adversaries, are equally bent on the amendment—and from the temper of the times it seems impossible to foresee the issue. The Mountaineers are certainly as violent against the Nullifiers, as the Nullifiers are against them. I'm going to Columbia with the hope of making peace if I can—or preserving it. There are, however, many causes of irritation increasing daily. It is said that Mr. McCord takes the lead—and urges the abolition of the Court of Appeals. If he was really leading there would be some hope, for as he is a feeble man, his violence would soon bring on what they call indirect debility. But I am afraid, that Hayne or Hamilton are only in the rear of him because they have more sense; and know how to satisfy their moderate friends with words and their violent ones with assurances more to the purpose.

I am aware that we have no chance of standing well with the large and respectable class that honor Gen. Jackson "Short of idolatry." But it is impossible for us to break ground on Presidential topics. The Gen. is against the Nullifiers who are enemies that we regard as the worst and hatefulest of their kind. Unless we can act with the Nullifiers we must support the President—negatively at least. The attraction between ourselves and the Union party of Georgia also is very strong and they are thorough Jacksonians. The Union party here have certainly exhibited no subserviency to the President, for there has been very little said or written by us in his praise—since the era of the proclamation was at an end, and that of the Despots began. In fact we do not stand very high at Court, and it seems questionable whether A. Huger whom we recommended will get the Charleston Post office.

Yours truly,

In regard to the Supreme Court, the rumor and pretty confident opinion is that Mr. Wayne is to have the place.

TO HUGH S. LEGARÉ

Charleston, November 29, 1834.

My dear Legaré:

Here we are in hot water knee deep; God grant we may not be knee deep in blood before long. The Legislature met on Monday and it is probable that the amendment of the Constitution is already passed through the House by an extraordinary dispatch. They have written and sent for me to go to Columbia to consult with our Union friends, who are running wild. I fear me, there is no chance to persuade them to take the oath. If they will not, agitation ensues, but they don't know how to agitate. Agitation consists in opposing governments and keeping within the law. Now, from all I can gather of public sentiment, our friends intend to transcend the law. I believe I will go, but I don't believe I'll do any good, and what will be done is hard to foresee. If the Legislature would adopt a resolution declaring as the sense of the Legislature that the Constitution as amended leaves the question of dividing allegiance to the judgment and conscience of every man who may be called on to take the oath that I think I could persuade a great majority of our people to take it. But of this I have no hope, for in fact a great number of the Nullifiers, much the greater part of them, desire to make it stronger, and the omission of words that would give it meaning arises not from a respect to the Federal Constitution, but from policy. On the other hand, the opposition of the Union party proceeds more from passion than reason. It is because the cup is tendered by an enemy that they swear it contains poison. Is it not a painful dilemma for the lovers of peace, the friends of order, to be placed in? There is no man among the Nullifiers that I have the least influence with. Gregg has humbled himself to crawl into place; a pitiful place when held by such a sacrifice of personal independence. Edmund Martin is too stupid to see clearly the objection to the amendment, and I don't know anybody else in the Senate that is worth thinking of.

The influence of [William C.] Preston has been exerted to prevent any assault on the judiciary. How far he has succeeded God only knows. Arthur Hayne has returned. I'm afraid he can be of no use, if he is willing. Whether he is willing I don't know, having seen him only once. Congress meets on Monday. The old man has received an accession of strength by the recent elections. His friends were lately sanguine of a majority in the Senate. They are probably mistaken. The election of an Anti-Jackson Governor in North Carolina is ominous of the loss of a Senator there. But in Mississippi, New Hampshire, New Jersey, he has defeated his Senatorial adversaries. No appointment yet of postmaster in Charleston, and none of a

Judge to fill poor Johnson's seat. But everyone thinks Wayne will be the man, which is as good an appointment as Baldwin. I write short because I am hurried. You will receive a newspaper with Wilde's letter to a party who asked him to dinner, which will, I hope, put you in a better humor after this lugubrious epistle. Adieu. God bless and keep you,

Yours,

TO HUGH S. LEGARÉ

Savannah, December 15, 1834.

My dear Legaré:

All hail to the dawn of a brighter day. The spell of party is broken and Nullification in Carolina is no more than a recollection. We have compromised and buried the tomahawk. Let me run over the history of those few days since I wrote, to prepare you for my journey to Columbia to join in a consultation with our few Union members about what was to be done. Before going I asked the leading members of our party to meet and talk the subject over. This was done at DeSaussure's and I had besides many outdoor conversations, the result of all of them the same—resistance to the oath and a Union Convention to prescribe the manner and means. As usual, my zeal was a great way in arrear compared with the general temper, for the young men and many of the old were all for the epic style, beginning by a plunge in *medias res*. I went to Columbia. Col. Chesnut took the chair and I was called on to make them a long speech. Professing, as I cordially did, that the oath should be an unlawful thing to me as long as it offended the conscience of my friends; that for our people to take it would be breaking down the moral sense and feeling, not only of the party, but of the country, and that resistance to the oath was to be considered a settled thing; that there were three ways to resist: by the judiciary, by arms and by political agitation; that the first was inapplicable, for no judicial consideration of the oath could lead to pronounce it illegal, is repugnant to the United States Constitution, the intent and malice being cloaked under constitutional language; that the second I deprecated as repugnant to patriotism, contrary to Christian feeling and more than all, leading to defeat and disgrace, and that my voice was for the third plan; that our simple communication, that we never would take the oath would prove of itself a tremendously strong measure; that they must either admit our members to their seats without any oath, (which I thought they would have a right to as the amendment applies to officers only, and a seat is not an office, and there is nothing requiring a member to be sworn at all except the Constitution of the United States,) or a third of the State would be unrepresented, and that in this day the attempt to carry on government

without representation is absurd and abortive; that disaffection would spread and the ruling party be overturned, with great changes on all sides; that the members ought not to secede, as they talked of doing, but protest and call a Union Convention.

I excited myself to the utmost to render these views agreeable and give them strength. There was a long silence, followed by several speeches, complaining of the "humble tone" of this exposition and breathing nothing but war. "My voice is still for war." I thought it best not to reply, but let men expend their bile and wait for cooling time. I learned at this meeting that our memorials had been very respectfully received the same day and referred, and, what was very significant, the bill referred with them and made the order of the day for Saturday. They put me on a committee to draw a protest and adjourned. This was Tuesday night. Wednesday things looked pretty dark. No interchange of visits or civilities among the members and a resolution introduced in Senate to take up the bill next day, instead of Saturday. On the next day the bill was taken up and Hamilton made a conciliatory speech. Richardson (J. P.) was our spokesman in the Senate, and acquitted himself very handsomely. (This is *ex relatione*, for having some law business and my protest to write, I kept in my chamber.) But on the same afternoon, Thursday 4th, David McCord, of all the world, made up to Richardson, and told him if he would say on what terms or in what sense he would be willing to take the oath, they, that is David and his friends, would meet them and try to bring about a pacification. Richardson promised to consult his friends. Our little Senate looked on it when he mentioned it in caucus as intended to amuse, but appointed a committee to see what could be done. Judge Lee, (he was holding the Court in Columbia,) Tom Williams,* Phillips and, I think, William Mayrant and myself were appointed. I proposed to them this resolution as containing a consideration that was consistent with the oath and with our duty. That the allegiance required by the proposed alteration of the Constitution is the allegiance which every citizen owes to the State consistently with the Constitution of the United States.

It was hard work to get T. W. to concur. Without Judge Lee I should not have succeeded. We went back to the caucus and reported it. To enforce it was left chiefly to me, and my best argument was that it was very likely to be rejected by the other side. I called on them to remark that the opening of a treaty by the Nullifiers was the happiest thing for us in the world, for, supposing that our terms were refused, we now had the whole controversy in the smallest compass, and could satisfy any man in the country by simply showing that they required us to swear

*Thomas Williams emigrated to Alabama.

to something not consistent with the Constitution of the United States. The great difficulty was to induce them to agree that the oath was capable of an innocent construction at all. So we authorized R. to give McCord our ultimatum, viz: this resolution, the abandonment of the treason bill and of all assaults on the judiciary. Next day (Friday, 5th) the sky changed again. Burt—he is the new member from Abbeville—the successful rival of Wardlaw at the Bar and in public favor, had reported his bill against treason the day before; it was now printed. McCord was very shy, evidently afraid to go so far as to advocate the resolution, and as a substitute for it this was offered: "That nothing in the alteration of the Constitution is intended to affect the relations between the State and the United States." And above all, the bill was in the same day here read through and received its third reading in both houses, and Saturday was fixed for its ratification. I then considered the accommodation hopeless. But as you will observe, all this time nothing had been said with anybody by anybody but Richardson and McCord, and I was told when I came from my business to dinner at Hart's, (where we all stayed,) that Hamilton, whom I had not seen at all, had called twice in the course of the day. Phillips and Chesnut recommended me strongly to go and see him—and immediately after dinner I set off for Clark's. There we had one of the most characteristic interviews that ever occurred to me.

I was under strong excitement and had determined in my own mind not to say a word on the subject unless he introduced it. So I began with saying, "I suppose you want to talk about Savannah River affairs." "Yes," said he, "and other affairs." I told him we had come to the brink of the precipice and I believed it impossible to avert the necessity. It quickly appeared to me that he was up to the whole case, and saw the full extent of the consequences if the Union party resisted, and, what was more agreeable, in a few minutes I ceased to doubt his absolute and unconditional desire of peace. He read me his report on Federal relations, which he had intended as a peace-maker. I told him what passed between McCord and Richardson, and found McCord had from him the resolution, but he had mislaid it, and when I repeated it he again became very doubtful if McCord was sure. Our conversation was a very protracted one and carried on, I assure you, with great anxiety. Finally he expressed himself satisfied with the terms of the resolution as free from the language of controversy, and not calling on the Nullifiers for a retraction and forming a consistent sequel to his report, but the report itself, as he assured me, was the subject of a vast deal of opposition, and if it should get out that the sequel was adopted from the Union party a rebellion in the ranks was almost inevitable. You may be sure it did not need much

to convince me of that, for nothing could be more at variance with the promises of their gentry than to discard the ordinance; admit almost in terms a divided allegiance and give up their attack on those Judges that had struck down the authority of their Convention. I saw that the rank and file was really in pursuit of a test oath—and that no man but Hamilton could possibly bring them to bear the dose which they were now to swallow. All the leaders, however, as it seemed, were willing to assist him, and McDuffie, from whom opposition might be expected, was absent. After a very long talk I left him with the assurance that he was going to work as hard now for peace as ever he did for nullification, at the risk of dividing his party forever. And so he did. I made a report to the Unionists, and you have no idea how much better they liked the resolution now, when they saw that their adversaries disliked it and that it required a real sacrifice on their part to adopt it. It was agreed that the protest, (a most energetic paper,) should be kept back to see the end of the negotiation. The same night I got into the stage and left Columbia for Augusta, and did not get home till Monday. Hamilton wrote me a letter every day. At first his plan was to call a caucus of the party on Monday morning, but on viewing the ground he discovered so many difficulties that he changed his plan and thought it best to rely on private interviews, and belaboring the members. But on Monday he was compelled once more to change his plan, and to resort to the extreme measure of party discipline by calling a caucus for the extraordinary hour of 10 the next morning. This was to avoid the disadvantage of contending with John Barleycorn, a most potent auxiliary to Nullifiers of an afternoon. They remained in caucus, keeping the Legislature waiting till 2 P. M., when the people came to the wise resolution that if their leaders turned a sharp corner they would even follow them and ask no more questions.

As soon as the caucus adjourned the Speaker took the chair and the report of the committee on Federal relations was immediately taken up. A man from Union, called Lancaster, moved an amendment, to the effect that, whatever it was, the State was sole judge of what was due to the United States by any citizen of the State. To this resolution he rallied 32 votes, besides three men who excused themselves for voting against a resolution they concurred in, because the caucus had decided. What an apt illustration of Lancaster's principle—the caucus *pro hac vice* the State had determined. The report was then put and adopted—90 to 28—and Phillips got up and withdrew his notice of a protest, and the House resounded with applause. Then followed shaking of hands, warm congratulation and wonderment and rejoicing. In the Senate the minority was only four.

The papers I send you and Hamilton's last note to me will give you a livelier idea of the whole scene than if I was to write on for an hour. I have no doubt that Calhoun was the adviser of pacification.

If there be any more of this letter it is lost. It is a very important one, as showing conclusively and in detail the part which Hamilton and Petigru played in tempering the zeal of their followers and restoring peace to the State. Fortunately there existed between these two leaders the most intimate friendship, and each, through his influence, could control the turbulent members of his party, thus saving the country from civil war.

Mr. Petigru was always willing to join in a joke at his expense and ever ready, by a clever stroke of wit, to do away with all rancor of opposition; and without abating any of his own convictions he retained through life the affectionate regard of many of his most zealous political opponents.

Here his political career may be said to have ended; but he always took an active interest in the political welfare of the country. He served afterwards in the House of Representatives at Columbia, but he was always in a hopeless minority throughout the State. This he would sometimes jokingly explain was due to the fact that "his feelings were always with the under dog."

In reference to his being appointed to the Supreme Court, his letters show that he preferred the advancement of Mr. Drayton or of Mr. Legaré. Having no political following excluded him from all prospects of holding office under the general Government. Georgia at that time being in high favor with Jackson, Judge Wayne, a popular member of Congress, was appointed.

CHAPTER XIX

1835

TRIBUTE TO CHIEF JUSTICE MARSHALL; VISITS NEW YORK;
REMOVES DAUGHTER, CAROLINE, FROM SCHOOL; DEATH OF
HIS BROTHER, CHARLES; GENEALOGY; ADMINISTRATION OF
PLANTATION

After the death of Chief Justice Marshall, at the meeting of the Charleston Bar, in July, 1835, Mr. Petigru delivered a most eloquent eulogy on the Chief Justice. This was included in the minutes of the United States Supreme Court, January term in 1836, and finally given a permanent place in 10th Peters' United States Supreme Court Reports, and is as follows:

Death has removed from the sphere of his duties, John Marshall, the venerable Chief Justice of the United States, a magistrate endeared to his countrymen by a pure and spotless character, distinguished by pre-eminent abilities, and illustrious by his long and varied public services. The sympathy of a whole people attends the funeral of a public benefactor, whose life conferred honour on his country. But the law and the legal profession of which he was the head and ornament, are, more than all others, interested and affected by this solemn event. His high judicial station was equally above envy and reproach; and the honour of official dignity was enhanced and ennobled by his intrinsic worth and personal merit. Though his authority as Chief Justice of the United States was protracted far beyond the ordinary term of public life, no man dared to covet his place, or express a wish to see it filled by another. Even the spirit of party respected the unsullied purity of the judge, and the fame of the Chief Justice has justified the wisdom of the Constitution, and reconciled the jealousy of freedom to the independence of the judiciary.

While we bow with humble resignation to the inevitable doom of humanity, we may adore the goodness of Providence that spared his life so long to establish, by the authority of his virtues and abilities, the character of that tribunal in which he presided. His fame is indissolubly connected with the administration of justice; nor can virtuous emulations of future judges aspire to a higher distinction than to equal the wisdom and to copy the example of Marshall.

TO HUGH S. LEGARÉ

Charleston, May 31, 1835.

My Dear Legaré:

The last letter I received from you was that of 7th February. Mr. Simon's pamphlet and the newspapers, French and English, have come to hand since; but what can I say for myself, suffering weeks and even months to pass obliviously as I have done? Vile indolence and procrastination alone must answer for it. Since the peace, or pacification, it seems as if we were really "the world forgetting" as we are "by the world forgot." It is, I confess, a most ungracious repose. Make all the allowances you can, but when you have done so the sum is that I am a vile offender—and you can not reproach me too much.

What shall I say to soften the sternness of your pride? Shall I tell you of our petty politics and languid parties, public as well as private? You had just heard of McDuffie's inaugural and looked upon it as everybody, I think, did, as something more like madness than mischief. I really fear for the soundness of our Governor's intellect. He delivered that address after a treaty of peace had been confirmed, which he had supported and freely concurred in. But there is nothing like peace in that speech and he has been ever since viewing the unfortunate militia with strategy and the mimicry of military discipline. He has encampments in every brigade and rails against those spiritless citizens that think of ploughing instead of learning the use of the sword. Their first essay was at Woodstock, I suppose you know where that is, fifteen miles from town. Not one-half of his captains and lieutenants attended, and it was nothing more than a failure. The next gathering was to have been on the Pee-Dee, but that they had to give up altogether. In some other places (Barnwell, for instance,) they have done better. But, altogether, I don't think that he is doing much good, or much honor to any one but himself, and the militia will cease to be Nullifiers before they come to be regulars.

The motion to reorganize the judiciary is the only speck now on the surface of our state affairs. There is no doubt that it had its origin in the profane test oath. But they pretended to be governed only by public motives free from all party, and had a great advantage in the folly or craft of Tom Williams, who supported it because, forsooth, he was never satisfied of the constitutionality of the Court as it now stands. This is [B. F.] Hunt's ground, too, and Lide Wilson, who spoke and voted for years in favor of an Appeal Court, has also discovered that it is unconstitutional. Is it not strange that a written constitution, so far from insuring certainty renders everything more doubtful? I have written nothing and said little about it, for my only hope of the safety of the Court is in leaving the

decision to the natural instability of the Democracy free from party. The heads are anxious, I think, to get out of the difficulty without any overt act. But, if it should be a question between Union and Nullification, the majority would unquestionably rally to the party cry. We want a tub for the whale, and if nothing else is at hand the leaders will have to toss the judiciary overboard or amuse the monster with some new lie. But can we expect in such a state as this to maintain a respectable judiciary? There is a fatal defect—the want of a Bar—and can there be any Bar in the Democracy? It has been found impracticable all over America. They disguise the truth by ambiguity and call the attorneys barristers, but they are attorneys notwithstanding, and as long as the employments are not kept distinct the profession must continue a trade, and there is no order of men from whom fit Judges are to be selected and on whom the Bench can rely for assistance in the decision of causes or for support against popular clamor.

I have been to Columbia twice since I wrote last, and have found nothing but kindness and civility from our late belligerents. Even Dr. Cooper and I have become quite scrumptious. It has gone so far that we exchange visits and little Johnson, too, is as civil as if we were the best friends. Do you know all that has been done concerning the college? In December, 1833, they turned out all the faculty, that is, they invited them to resign, and they did so. For Dr. Cooper they provided by re-electing him professor of chemistry, and Henry was placed in the chair. But the College sunk lower and lower. Last winter they virtually dismissed Henry and elected new professors without going into the election of president. Nott was continued with, I know not what professorship, and, as all the new professors declined, he and poor Mr. Park and the two Gibbeses have supported the weight of the College from that time. No arduous duty if you look at the number of students, about five and twenty, but truly herculean if the difficulty of reestablishing a fallen school be considered. In this second cast of characters Dr. Cooper was removed from the College altogether, but employed about a republication of the statute law of the State. Henry was offered a professorship, which he indignantly refused. He keeps his old quarters at the president's house, and has leisure to ruminate on his brilliant career as a volunteer in Hayne's army and a politician. An election was postponed in December and promised in June. The day has been changed several times, from the first to the second or third week, and back again, but it is very questionable if any election will be made. Nott is exceedingly odious to the religious public, and he bravely declares he would rather quit the College than degrade his freedom by going to church so much as once a day on Sundays. (Here I had to throw down my pen and have never been able to resume it till this morning, June 5, 1835.)

There has been something new. The Bank of Charleston has set our citizens all agog for stock. The speculations were most extravagant and everybody gave into them till the subscription has all the characters of a real Mississippi schemer. The bubble consists in this: Subscriptions were to be paid in checks on the banks and for convenience it was agreed to let the money remain in every bank on which the check might happen to be drawn. The banks agreed to lend on condition the loans should be applied to no other purpose but the subscription. They began by discounting notes for \$10,000, but as everybody ran to them for loans the sums swelled to more and more until on the last day of subscription half a million became a very common operation, the whole process consisting in the mere entry of so much credit to A. B. or C. without paying out a cent. In consequence of this the subscriptions ran up to eighty-one millions instead of two—this in the city alone. But the people in the country towns, who were in the rear of the spirit of improvement, subscribed only eight or nine millions. So that the whole subscription does not exceed ninety million, and the subscribers get one share for forty-five subscribed. If I had been blessed with a ray of genius, and had got a loan of \$500,000, I might have subscribed \$2,000,000, and got 440 shares and, as subscribers are now offered \$20 in advance on their share, might have pocketed 8,000 dollars as easy as to call up in the mind so many phantoms, but simple man that I was, I thought it very brave as I had \$7,000 in my hands as trustee to subscribe four times that amount for my constituents; the consequence is that they get six shares. This is the State of South Carolina. To the honor gained by Nullification they are going to add the riches of stock jobbing and enjoy in imagination boundless treasures both in fame and money. There is vast competition for the place of president of this new bank. Hamilton goes for it and will get it. He was one of the millionaires. Of course, you would not suppose he was in the lag of adventure. Close upon his heels, with as much resolution, but inferior lights, is our friend, Ikey Holmes, who tore his hair with vexation at the close of the play to find he had been attending to the small game and gone in for only four thousand shares instead of stocking boldly for the whole 20,000. As the whole capital is only \$2,000,000, no one could subscribe for more than 20,000 shares.

The general politics of the country I know as little of as you. Van Buren was unanimously nominated in Baltimore by a Convention fresh from the people, and Dick Johnson had more than two to one over Mr. Pierce. Everybody gives it up that V. B. will ride the great horse, but this nomination of Johnson, who is all sorts of a bank man, internal improvement and everything Anti-Virginian, except general humbug, will fix Leigh probably in his seat and prevent the dissolution of the opposition in the

Senate. The old man has very nearly put everything under him and will retire with the honors of victory. There is a rumor in the newspapers that Mr. Forsyth is going to resign. I don't know what to make of it. They surely don't mean to separate Georgia and the Administration. Everybody must concede that the nomination of poor old White was a foolish thing of itself. Whether there is any hidden meaning in it, as I should have suspected and for a long time believed, seems every day more doubtful, and it appears now as if the old man was no more a dupe than his friends. Preston, it is supposed, was willing to raise White's flag here, and Pinckney has already done so. But the mass of the Nullifiers took it very badly, and McDuffie and Hamilton openly denounce it. Yet they will not be able long to keep the people from interfering in general politics, and this they know. For a while Daniel may enact the part they have gravely assigned him of solitary dignity and lofty contempt, but it is too dull a farce to entertain him long, and our politics will revert to the old questions of the ministry and the opposition. It would be next thing to blasphemy to deny that public virtue is now in place; that is, the people do actually govern, as they did in the days of Jefferson, and I shrewdly suspect that our leading politicians will give in their adhesion to Van Buren within two years. If they do so you may make your own terms with them. I know for a fact that they think so too. And if you choose to come home in the fall I think you may very easily, fairly and honorably play a great rôle by bringing back South Carolina to the communion of Holy Church. I don't say this lightly, and if you are not promoted to St. James, or the Court of the citizen King, I advise you by all means to return.

I must close this letter, though I have other things to say. But it is 10 o'clock, and I will not risk the spirit of procrastination again. Adieu.

Yours as ever,

TO WILLIAM PETIGRU

Charleston, 23 October, 1835.

Dear Father.

Mr. Porcher is the bearer of very heavy tidings for you as well as the girls. In poor Charles we have lost what we can not retrieve. As a man without any paternal partiality, he was worthy of all our esteem, for his noble disinterestedness and generous frankness of character. Among strangers we may find friends, and some who are his equal in character, many who surpass him in intellectual endowments. Of such a man however, anyone would be proud as a friend—how much more as a brother! But I submit. It is a recollection that I will always cherish, and tho' he is dead, I would not exchange the memory of what



BOOK PLATE

he was, for the long life of thousands that survive. It is my wish that the girls should all come. None of us I am sure, are disposed to desert you, but you enjoy the society of your children more, when they visit you as they do now from time to time, than you would have done if they had all vegetated at home without ambition or improvement. I judge for you as I should judge for myself, and it is not my wish that my children should linger about me, when they can see the world and improve by better society. Mary would be very solitary left without Harriette; much more so than you without Mary, and Harriette is so much a part of my family, that it would be not staying at home, but going from home and neglecting the strongest domestic ties if she were to leave us altogether. I am willing to make a fair partition and let her stay with you in the summer, but can not give her up altogether after having educated her with my children and as one of them. These observations, dear Father, I make not because I doubt your readiness to consult the good of the children even at the expense of your inclinations, but to show them how earnest I am, about their coming, for I know that they have such a sense of duty, as makes them incline to stay by you the more, because it is a sacrifice to give up the world. And if your circumstances required it, I should certainly think it their duty to do so. But I am sure you will pass the winter as pleasantly, and even more so without them. I wish you would let me know what you stand in need of, and it will give me great pleasure to send everything up. If you have made a short crop, don't let it trouble you, for you shall be supplied with money to make up any deficiency.

I send you a letter that I have received from Jack; I suppose he is doing very badly.

You will see a copy of a letter from Miss Pettigrew of Crilly, who is the daughter of your first cousin Robert Pettigrew. In addition to what she states, I can add from other information, that her father was a Solicitor of great eminence, and died upwards of 80 years old in the year 1816. And that the family have a good estate in the County of Tyrone. I have also received a communication from Thomas Joseph Pettigrew of London, a fellow of the Royal Society and gentleman of distinction. He is from the Scotch family and states that the tradition of their stock is, that, there were two branches of the family, who came from France at the same time; that, one settled in the West of Scotland and the other in the North of Ireland. That the time of their emigration from France is unknown, but, that it must have been prior to the year 1496, in the reign of James the 4th, as it appears from the Records that one Mathew Petigru then held lands under the Archbishop of Glasgow. I intend to make further investigation into the history of the Irish family, and hope to be able to obtain more complete information on the sub-

ject by the aid of Sir William Beechy, the great antiquarian. Our cousin Margaret's letter was addressed to a gentleman, who had been requested to make the inquiries of her by the correspondents of a friend of mine,* to whom I wrote on the subject. Her letter is copied by my daughter Caroline for your perusal. I intend to write to her and will confess that I am glad to find that we are so respectably descended, and that our Irish connexions are so creditable. I had anticipated the pleasure that your poor Charles would feel in these details, but it was denied to me. Adieu

YOUR SON.

The Charles mentioned in the above letter was the youngest brother of Mr. Petigru. He was educated by his brother. He entered West Point in 1825, and graduated in the famous class of 1829, being number 19 in a class of 46. Among the members of this class it is interesting to note such names recorded as the following: R. E. Lee, 2d; J. Allen (Smith) Izard, 4th; C. W. Hackley (mathematician), 9th; O. M. Mitchell (astronomer), 15th; James Trapier of South Carolina; Theopolus Holmes, of North Carolina, 44th, and Richard Screven, of South Carolina, 46th.

In 1833 he was transferred to the Ordnance. There is a tradition that he exchanged with his friend Captain Ramsey, who had been recently married, and went in his place to Florida during the Seminole war. He died October 6, 1835, aged 29, and was buried at Apilachicola.

TO MISS MARGARET PETIGRU

Charleston, 25th November, 1835.

Dear Madam:

* * * It is so long since all communication had ceased between us and the European stock and we are so apt to distrust any remote tradition when the influence of self-love is likely to give a coloring that I have very little confidence in what I have heard of our origin and was really very much gratified to ascertain satisfactorily that we really come from a good family * * *

You will greatly add to the obligation under which you have already laid me by the trouble you have taken if you will tell me what you know of the coat of arms of the family. If you would send me an impression or sketch on paper it would be preferable. The arms which are assigned to the name are marked Scotch, and I am informed that the French and Scotch families are

*Peter Trezevant, Esq., 31 Chester Terrace, Regent Park, London.

branches of the same stock; it does not follow that they are entitled to the same arms. My grandfather, who died before my time, was too much occupied by more pressing cares to think of his escutcheon, if he was entitled to any such distinction, or leave any information on this subject to his family. * * *

I may as well mention that I am by profession a lawyer; that my success has been at least equal to my desert; that I am upwards of 40; a married man with three children. * * * And to assure you of this feeling with which though I can not make so free as to say "dear cousin,"

I am your humble servant and relative,

In the postscript of a letter written in 1837, he writes:

Cousin Margaret has sent me the coat of arms: Gules, three stars, and a crescent, argent. I will have it engraved when I go north, and you will see it.

TO JOHN G. NORTH

Charleston, 12th December, 1835.

My dear North:

* * * The Bill to abolish the Court of Appeals will probably almost certainly pass the Legislature, but, strange as it may seem, the old Judges will probably be reelected. The reason is, first, that it is a very weak Legislature governed by party, and the party under the leading of men who are governed by a small vanity to do as much mischief as they can, even when they are to get nothing by it. And, secondly, that McCord, Caldwell and Dunkin could not get a vote of the party to elect them, as they can get one to turn out the present incumbents; and lastly, because the influence of the party is so much diminished, that it can not prevent men from being kind, though it is sufficient to prevent them from being just. There was no speaking except on one side, till they came to the second section, which means, though obscurely worded, that Johnston, O'Neale and Harper are deprived of their commissions; and for a good while there was nothing about that except a few scattering shots, except the onesided speeches from the friends of the bill. But Albert Smith* at last came out like a house on fire, so unexpected and so brilliant that it was a perfect surprise. It did no good, however, directly, because when the vote was taken on Thursday 10th, the amendment offered for the purpose of making the Act constitutional, was rejected by a very great majority. The speech has had influence however and will establish Mr. Smith's reputation as the first man in the present House. Yet he was in

*Afterwards Albert Rhett.

favor of the Bill, and only opposed the leaving out of the judges as unconstitutional. His speech has another effect: those who will vote in favor of the Bill, will afterwards vote in favor of the judges; many of them, because they have during this discussion, said so to avoid the argument from the Constitution. Adieu.

Yours truly,

P. S.—The law against free negroes was rejected in the Senate as soon as it was touched. There is likely to be very little done but the unconstitutional business of turning out the Judges, and the foolish one of changing a good judiciary for a worse one.

TO MRS. JANE PETIGRU NORTH

24 December, 1835.

My dear Jane:

All the compliments of the season to you and all the Georgetown coterie. I hope that you are all well, and that you are not, any of you, too wise to be merry according to the simple fashion of the old times. I came here last Saturday—found everything well—have made 12,000 bushels from 200 acres, which is not contemptible, and if I lived as a planter, on the plantation, and of the plantation, would be a decent income for the like of us. But what with buying corn, clothing against cholera as well as against cold—and paying bills for all that is not done by the negroes' own hands, little is left of 8 or 9,000 dollars to lay up or to spend. The only thing to flatter my vanity as a proprietor is the evident and striking improvement in the moral and physical condition of the negroes since they have been under my administration. When I took them, they were naked and destitute; now there is hardly one that has not a pig at least, and with few exceptions, they can kill their own poultry whenever they please. * * *



PETIGRU'S SEAL

The crest, a little crane, *petit grue*, believed to have been a joke of Captain Thomas Petigru, U. S. N.

(Facing 180)

CHAPTER XX

1836

ADVICE TO LEGARÉ; DEATH OF HIS BROTHER-IN-LAW; MARRIAGES OF HIS SISTERS; CHOLERA; FIRE IN CITY; BUYING LAND

TO HUGH S. LEGARÉ

Charleston, February 17, 1836.

My Dear Legaré:

This is Ash Wednesday, the day of all days in the year that our citizens take for a gala and merry-making. This is the day when the races commence and Charleston is filled with old and young intent on amusement, business and the turf. But for me it is no day of rejoicing or festivity. My poor friend North died last Saturday morning, leaving three small children, besides his widow, whose destiny depends now a great deal on me. He went off very rapidly in a dropsy.

Do you really think you will return in the summer? Great things are on foot here. Pinckney bolted a week ago, and introduced resolutions counter to the proceedings of Hammond, in the House, and Calhoun, in the Senate. They are vexed, but don't denounce him. He was certainly right, and it astonished me that they could persist in moving to reject the petitions of the Abolitionists, which was putting the debate on the footing most advantageous to the Abolitionists. I think that Pinckney is not going to sit much longer on the cold rock of opposition. Another change is likely to occur: Barnwell Smith has made a fortune by an advantageous purchase from Col. Stapleton, and begins to be anxious to play a part at Washington, or, as he says; to retain his plantation. It is very likely that both places will be vacant, Pinckney's and Smith's, and I think you might have either. After all, it is questionable whether you could summon resolution to quit Charleston for aye and transfer your domicile to New York, though it is there you ought to be. Should you come back to us it would be a satisfaction to find that there was a place for you; not to have to wait for the second table or look on.

The turn which things have taken is pacific. The English mediator has done the business, I suppose. I was very much afraid of a French war and surprised to see how popular it was. The only war on hand is with the poor Seminoles. They have killed some and wounded a great many by burning houses, mills, etc., and carrying off the negroes. Gen. Scott is there, and he

has called for such large levies of men that it is evident he will pass over them without any fighting. Three volunteer companies, besides drafted men, have gone from Charleston.

Since you wrote your letter of the 10th December, which is the last I have received, no doubt two of mine have come to hand. The contents of those letters, however, are now State news. They passed the bill to break down the Court of Appeals; on the 1st January the eleven Judges were all here. Judges De Saussure, president of the chamber—Harper held the Court of Chancery—leaving nine for the common bench. They sat only three weeks—had, fortunately, a light docket and got through the law cases without touching the equity. They had then to disperse for the circuits. The scheme works as badly as the clumsy project might be supposed. I don't think it will stand as long as the last did. In fact I believe Judge Bay, who has seen every successive Administration from 1783, will live long enough to see another.

Adieu, my dear Legaré.

Yours,

John G. North, his brother-in-law, died at Georgetown on the 13th of February, 1836. The duty of winding up the estate and providing another home for the widow and infant children devolved upon Mr. Petigru. They returned to the family nest at Badwell, where Mr. Petigru stocked the farm, and here Mrs. North pursued farming and remained all her life. Among the various changes in Mr. Petigru's domestic relations we record the following marriages:

On the 13th of October, 1829, Louise Petigru, his third sister, was married at Badwell, to Philip Johnston Porcher. For a few years they lived at his plantation, "Keithfield," on the Cooper River, and then removed to Charleston, where they lived ever afterwards.

On 21st April, 1832, Adele Petigru, his fourth sister, was married from his house to R. F. W. Allston. He graduated at West Point in 1821, and was one of the most advanced cultivators of rice in the Georgetown section. He was Governor of South Carolina in 1856-58. He died on the 7th April, 1864; age 63.

In April, 1836, Harriette Petigru, his sixth sister, married Henry D. Lesesne, and for the first year lived at his house.

His brother Tom had married Miss La Bruce, a lady of considerable wealth.

TO MRS. JANE PETIGRU NORTH

Walterborough, April 4, 1836.

* * * I came here last night and took possession of Sally Ford's house. The tavern was never comfortable, and as I am not in general practice here I was glad to be as retired as possible. Memminger is with me and we are keeping house, and would be comfortable if there were fewer rats; but true to the economy of the family Sally has her —— at her bed room, and before the vermin retire, that is from 11 to 2 or 3 in the morning, it is like a witches' Sabbath or horrid festival.

In June he writes: "I shall have to attend the Court of Appeals at Columbia, and hope to extend my visit as far as Badwell. This will be in July or August. Harriette is still with us and we all get on very quietly with her and Henry.

"I hope father is pleased to have you and the children about him. But I daresay that when they are importunate he sometimes regrets the solitude he enjoyed before you came. Pray tell him that if he suffers the 4th October to pass before he applies for his forty dollars they will require an additional affidavit that he is the same individual." This referred to his father's pension as a Revolutionary soldier.

TO HUGH S. LEGARÉ

Charleston, 23 August, 1836.

My dear Legaré:

I rejoice that you are come and sincerely hope that you will be a member of Congress in six weeks. But it is very probable that we shall require you here at home to take a pull at the traces. Pinckney has crept about our Union men and gained them over to his purposes in some occasions. Holmes has no strength. You need not be restrained by friendship for him—no one thinks that he has any chance. I don't believe he thinks so himself.

Your letter by Boyer is dated the 14th, yet I got it only yesterday, and must answer very succinctly for I am just returned from an expedition partly of business and the boat is within 10 minutes of a start.

Yours ever,

TO HUGH S. LEGARÉ

Charleston, 26 August, 1836.

My dear Legaré:

The business is fixed so far as we can fix it, and in the *Patriot* of this afternoon you will see your annunciation for Congress and the same in the two morning papers to-morrow. There

has been great hesitation among a segment of our party and after long consultation Bennett has adhered to you and signed the nomination. His reluctance to play a bold game is habitual, and he thinks you have no chance, but I know better. I offered the nomination to Bennett himself, and coaxed him all sorts of ways, not him only but a great many others. All which I'll tell you when I have more time. We have lost McDonald and all his influence. Steedman probably will vote for you and we shall be able to carry the bulk of the party. Our friend Holmes is the best affected to you in the world and says if he could be sure of you he would be willing to stand out of the way. The contest gives us every advantage, for the Nullifiers by quarreling are doing our work for us and in confidence, the Holmes party would greatly prefer you to Pinckney, so much so that I should not be surprised if late in the canvass H. should be withdrawn; and the Nullifiers come to our camp as auxiliaries in mass.

Our friends think you ought to come home. I beg you will do so as soon as you can. Write to Bennett also and thank him and let him know that you are aware how much you owe him.

I have done by you, my dear fellow, what I know you would do for me—used my best judgment and decided as I think it is for your interests that I should. More, it is decidedly better for you to be beat than not to come before the people. It would do you no harm to be beat—but to be shelved—aye think of that—to lie in cold obstruction, etc, etc.

Adieu, thine,

TO HUGH S. LEGARÉ

Charleston, September 6, 1836.

My dear Legaré:

I hope you don't mean to stay long in Boston nor in New York either, but come home as soon as you can. I don't think that you are under any obligation to Mr. Forsyth to wait for his return to Washington before you visit it to pass your accounts considering what weighty reasons you have at home to attend you. You are right in saying that it is going to be a tough race between you and Pinckney, and doubly right in your conclusion that it would be just as bad, nay worse to turn back than to go through. If it turns out badly throw all the blame on me; I admit that I am responsible for the advice and shall maintain to the last that the advice is good. I am beginning to feel savage towards Pinckney for supplanting me with our people, and not only me but all the leaders of the party who stood up for the Constitution and Union when he was foremost in the cry of Nullification. The *Courier* is, in fact, all his own. Yeadon does not help us, and King, the other editor, is a whiffing tool that has no honor in him and is, in fact, so low in his estimates of



CAROLINE PETIGRU AT EIGHTEEN
1820-1893
BY THOMAS SULLY

(Facing 184)

right and wrong as to think it no shame to give as a reason for supporting Pinckney that it will mortify J. C. Calhoun. They have drawn off a good deal of our Democracy in this way. The Irish and the mechanics, the Methodists, Pinckney has them from both sides. His lieutenants are Laval and Keith, Nullifiers, and McDonald, formerly a Union man. The recent ticket—that is the members elected—show the division: L. P. Holmes, Hamilton, Peronneau, Mordecai, Simons, Codgell, Henry Ingram, Ripley, Connor. Doubtful: Seymour, Ker, Howland.

To the doubtful perhaps Ripley ought to be added. The Nullifiers are betting on your election and everything shows that the contest will be narrowed down to you and Pinckney, and that the friends of H. will ultimately rally on you if they see no chance of carrying the election, and at all events we shall get as many Nullification votes as Pinckney will take away. But I think you should come as soon as you get this letter, Washington or not. Zounds, it is an important thing when a gentleman has been away four years and his friends are in strife at home to come up to the scratch; and if you are elected they will be very glad to see you at Washington at your own time.

Don't mind what you hear of Preston. Wait till you see him for I think he is friendly to you, though with his usual arrogance may undertake to pronounce on what can and what can not be. It is mere waste of time to talk of me, if serious, and if in jest it is not at this time to enjoy such. I do not believe I would make half so good a figure in the House of Representatives as in the Court House at Georgetown, and I could no more think of going with my circumstances and ties than I would hesitate in yours. Come home and let us do the thing neatly and well. Remember, however, no whiskers, no rings, no chain, no foppery, nothing but civility and common sense till the election is over.

Yours,

TO MRS. JANE PETIGRU NORTH

Charleston, 27 October, 1836.

My dear Jane:

It is a long time since I wrote to you last and by my promise I ought to have seen you instead of writing. However, you know the reason, my anxiety about Mr. Legaré's election was great, but it was a stronger feeling than that; a consciousness that I had made myself in a great degree responsible for the event by the part I had taken, which would not permit of my leaving this place in September without an act of desertion. You know, I suppose, how the election went and that Mr. Legaré succeeded by the aid of the country votes, and that on our united ticket none but Mr. Frost and myself were elected. The other 14 were the nominees of Pinckney's party. I will be

obliged to attend the legislature, which is to meet on the 28th of next month. You may expect to see me about the 20th. I shall go up to see you a week before the legislature meets. Shall I bring Jim with me? He is perfectly sound and well; has never had a scratch during all the cholera, and looks almost as if he had been on Badwell instead of this nursery of plagues, for such it has been all summer. The doctors are sought after more than other description of men. Those that never had a patient before have the agreeable vexation of interruption and importunities at all hours of the night and day. We have done talking of alarm and bear the presence of the pestilence with the equanimity of those strict predestinarians the Turks, who treat all quarantine and sanitary regulations with contempt. Poor Cross [Col. Cross] is an example of the mysterious power of the disease. He died to-day at 12 o'clock hardly aware that he was in any distress. Yesterday morning I saw him at the fire, which burnt down the house at the corner of Broad and King Streets. He was confined to his bed last evening, and thought himself better this morning, and I believe neither he nor his family were aware that he was worse till he breathed his last.

I am going in the morning to Savannah and will return next week. Then to Georgetown and afterwards to Badwell. * * * The fire I spoke of was very near making a sweep of Mr. Pringle's house and all those near there in Orange Street. The roof of the tenement house where Mr. Keating Simons formerly lived, was on fire and that of several others. But the firemen exerted themselves well and happily succeeded in staying it, with comparatively little loss. Only the mean wooden houses opposite to where we used to live on Broad Street, and the two brick houses at the corner; you may remember where Devillers used to live. If the city should increase as it is supposed it will, such fires will be a benefit to it. And we are all anticipating a great deal from the Ohio railroad. I subscribed 5 shares for you and 5 shares for May, and Tom subscribed one for each of the children, and I hope they will one day be worth more than they are now. * * *

YOUR AFFECTIONATE BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, 11 November, 1836.

My dear Jane:

I am greatly concerned to hear that father's health is so poorly. I will leave Charleston on the 17th, that is next Thursday and will I hope be with you at Badwell on Saturday the 19th, stay with you till Friday following and then leave you for Columbia. I have got the claret, but though it was sent to the railroad, they sent it back—had too much freight. I have tried the steam-

boat, and if it don't go before I am off, it will be probably taken as part of my baggage. * * * Do tell father that I am making haste to see him, but that I hope and believe that I will find him a great deal better than your letter expresses it. * * *

My love to Mary and the children, truly and affectionately,
YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Columbia, 9 December, 1836.

My dear Jane:

The new Treasurer, Mr. Black, is so good as to take charge of this letter with the enclosed bills, in which you will find 725 dollars for Mr. Carr. And before you pay it you will see that his wife has released her dower before Mr. Collier, as was agreed on. The fees of Mr. Collier are to be paid by you, not exceeding 2 dollars. Mr. Noble and I agreed to-day for the slip of land on this side, for which I have paid him his own price supposing it to be 12 acres, but it is to be measured, and if there is more than 12 acres, I am to pay more. In the meantime the land is ours to the middle of the river.

Mr. Black can not take the garden seeds. I will send them by Mr. Wardlaw except a few that I will get Mr. Black to take as he has room in his trunk.

I have seen a good deal of Mr. Calhoun and had long talks with him, but very little of the Governor.* His health appears to me to be very poor and his spirits low. I dined with him yesterday for the first time. The crowd was such, that it was impossible to use one's arms, except from the elbow down, and the knives so dull, that one might almost as well have partaken with Governor Sancho of his uncomfortable meal, when he had all the dainties of Barrataria before him and was not allowed to touch them. I have been obliged to decline several invitations for want of time. I understand that there is a great deal of gaiety in Columbia and plenty of parties given in compliment to the young married pair, Mr. Thomas Starke and Miss Raoul.

Adieu my dear Jane.

YOUR BROTHER.

P. S.—Tell Carr that I could not get United States notes at all, and I was told that the Bank of the State are next in favor to them in Alabama and pass currently there; that all the emigrants take them.

*McDuffie.

CHAPTER XXI

1837

THE BRITT PENSION AND COOLNESS WITH POINSETT; DEATH
OF HIS FATHER; CHOCTAW COUNTRY, MISSISSIPPI

Mr. Petigru's father died January 23, 1837, within a few weeks of attaining his 80th year. "On the last of the month," Petigru writes, "I have received your account of our poor father's last moments. I was by accident at the postoffice and took out your letter, with some others, and was passing along when I opened it the first and read your affecting account of the termination of his long pilgrimage. * * * It was not without tears that I went through your narrative of the last scene of this protracted history. If Mr. Waddell had felt his subject strongly he might have been very impressive in delineating the character and vicissitudes of one that had been among the earliest inhabitants of a rude country and seemed almost contemporary with the origin of the society in which he lived."

TO MRS. JANE PETIGRU NORTH

Charleston, 14 April, 1837.

My dear Jane:

I do not believe that I have written to you since the 16th March which is the date of your last letter, at least of one that I have not answered, and which you might therefore with reason insist should be your last. I have been gratified to hear that the trees arrived safe and hope that they will grow, and that the seeds which we sent you will grow, and that Hanway will take care that the grass does grow too fast. I almost think that I can taste the nice well water which, thanks to Dickert's perseverance, is now at your command. If it does not turn out to be a good well, it will be a great improvement upon the old times; for though I do not know how the spring answered in the winter, I am sure that it was enough to poison anybody in the summer when you say it was at its best. * * *

Judge O'Neale wrote to me that he had fixed Mr. Britt's papers and sent them to Mr. Poinsett, but I have not heard anything of them since; it is to be hoped that I will, or I shall

really think that when Rochefoucauld says that in the misfortunes of our best friends there is something that does not displease us, he has at least come so near the truth as only to mistake the disappointment felt in the good fortune of friends, for a sweet pleasure in their adversities. If the mishaps of those that we call friends could give pleasure, there is even too much of it at present. The failures in this place are very numerous, and one man (Mr. Stoney*) whose case excites universal sympathy. I hope and believe, however, that he is not ruined, but it is a killing mortification for a merchant like him to confess that he can not pay. * * *

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, 10th July, 1837.

* * * Well, I suppose you know that I am going on Friday a long voyage all the way to Cincinnati. It is against the grain to go at all, and doubly so to take this long circuit to get to New York, but there is no help for it and go I must. I will write you the next letter from the new capital of the West—a country that when I was a boy I used to hear of like the Ultima-Thule or the Miamies where old Steedman went soldiering under Gen. Wayne.

It has been awfully warm all this last week and dry as dust: the 4th July was a severe day to me. I had a dispute to settle with Dan; it was a very severe one—he had offended Mr. Cotes by an act of mutiny—cut up his rattan and given out that he would resist the rod. It was all day in discussion. I felt sick and could not believe I was not so till the dispute was made up and Mr. Cotes gave him his hand. I went then to the Washington Society. Mr. Poinsett was there. I would not sit beside him. It was resentment of his turning his back upon his friends at the time of his promotion, and I confess Mr. Britt's business stuck in my throat. I thought he should have seen to the behaviour of his subordinates better, as he knew from Judge O'Neale's letter I took an interest in the application. Mr. P. sent a friend to me, but I told him plainly I considered our correspondence ended. Though I ate nothing nor drank, the noise, the heat and excitement would not let me sleep. Last Saturday I took a little holiday for the first time; I went to the Island and dined with Col. I'ou. In the evening there was a grand meeting at the City Hall, called by Mr. Fisk, who unites or is desirous of uniting the character of demagogue to that of Universalist. Before I knew what I was about I was speaking or screaming with passion. Poor Fisk was routed on every side. I suppose

*Mr. John Stoney was an active Union man during nullification; he was the grandfather of Mr. Samuel G. Stoney, of Charleston.

his next essay will be as abolitionist, but of course he must go elsewhere to enact that part.

You may tell Mr. Britt I have put his business into the hands of Mr. Legaré and have no doubt he will get his pension in September.

* * * It is a lamentable thing for me, this expedition. Money scarce and I in debt. I wrote to Jack McLean and told him to show the letter to brother Jack, to whom it was useless to write, that if he came here, he needs expect nothing from me. If he would stay where he is, I would help him next winter to the extent of five hundred dollars. It is lamentable that he is so lost to any sense of shame, as to be willing to burthen his family, without giving them the consolation of doing any service to him, by the drains he is about to make and will continue to make as long as he lives upon their feelings. Adieu my dear Jane. My love to Mary and the children and cousin Eliza.

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Washington, 17 September, 1837.

I received a letter from you and my dear Jane, which I can not now refer to as I had the misfortune to lose it out of my pocket with my pocketbook two evenings ago. It is unexpected to you I suppose to get a letter from me at this place, but you must know that I am here on my way to the Choctaw country, where I am obliged to go on business. It was necessary for me to come through this place for I had enquiries to make at the offices here, respecting the title of lands in that country, and those examinations have detained me longer than I expected. I did not intend to stay more than two days and my stay will be a week on the 19th when I am to set off. In the meantime one good consequence of my detention here is that I have secured our worthy neighbor Mr. Britt, his pension. You have no idea how hard it is to get anything through one of those offices. I went in to the Commissioner of Pensions with Mr. Legaré, for all respect here is paid to official rank, and the word of a member of Congress goes far to ensure a polite reception. The Commissioner heard our story and promised an answer on Saturday, saying he would send the answer to Mr. Legaré. On Saturday I took care to call, but went alone. Mr. Commissioner seemed to know nothing about it, but sent for the papers and we went over them, and in half an hour he told me he was satisfied and would pass the claim. Judge of my astonishment when I found before I called, he had actually written to Mr. Legaré rejecting the claim. But I will take care to get the thing fixed before I leave the ground and will actually enclose the paper to Mr. Britt before I go away. To do this I will have to stay one day longer

and by the same course I shall hear Mr. Calhoun in the Senate. That gentleman has taken a most extraordinary turn and is going to make a speech tomorrow, as it is given out, in favor of the message. All the members from our State will be against him except two: Mr. Pickens and Barnwell Smith now called Mr. Rhett. Nothing can be more monstrous than to support a scheme for doing away with bank paper and of course with credit, and ruining all who are in debt. It is awful—it is so sudden—and of Mr. Calhoun so unexpected. However, he is to be heard tomorrow and we shall be better able to judge then what his scheme is, as well as how he defends himself, but at present it appears that there will be a fatal breach between him and his friends in Carolina.

I left Jane and Caroline at Newport on the 8th instant. They will stay there till October and then come to New York and arrive in Charleston about the 1st November. I will probably be there about the same time or a little after. From what I have heard I am afraid that Tom has lost his crop or great part of it. That will be worse than the loss of my pocketbook, although the thief took off all the money I had. The shame was as bad as the sense of destitution, and my friends Elmore and Richardson lent me \$300 each, which set me up again, but is in these times a heavy loss and at all times a painful one. I was kindly received by all our countrymen here as well as many strangers, and by none with more goodness than Mrs. Poinsett,* whose attentions were the more agreeable as she asked with interest after you. * * *

YOUR BROTHER.

TO THOMAS PETIGRU

Washington, 18th September, 1837.

My dear Tom:

* * * I have just heard Mr. Calhoun on the Divorce of Bank and State, but it is in reality a divorce of Calhoun from his little party and the first step to a union between him and the Administration. He made a speech unequal to his reputation; in fact I think Barnwell Smith[Rhett] will make a better one on the same side. I have now heard Webster and Calhoun; I shall not hear Clay, but I am going to dine with him, and if he were not so eminent a man, that might be considered a great distinction. I have to write several letters besides assisting at this dinner, and then I must leave the city and drudge through a long journey. As I have written all the news to Jane already and another letter to Lesesne, I must e'en make short work with you and with love to Anne and the children, bid you dear Tom, adieu.

YOUR BROTHER.

*Mrs. Poinsett was a Miss Izard who first married John Julius Pringle.

After nullification, and the removal of the funds from the United States banks by Jackson, numerous banks were established; credit was given everywhere and a rage for speculation in western land sprang up throughout the country. General James Hamilton, Jr., who was a born speculator, could not miss this opportunity of making a fortune. Mr. Petigru was already interested with him in a rice plantation on the Ogeechee River in Georgia. Listening to his sanguine representations he joined him, with some others, in a large speculation in Mississippi which was known as the "Ossawichee Co." It was this business that brought about Petigru's financial failure. As they were both occupied with the politics of South Carolina in 1834, this enterprise was probably entered into after that date, and it was on account of this business that he visited the Choctaw country.

TO MRS. JANE PETIGRU NORTH

[1837]

* * * I believe I did not write you since I was in Washington. My journey thence was less unlucky, for I lost no more money nor broke any bones, which considering what roads from Louisville to Columbus, that is good fortune. At Nashville I was most hospitably entertained three days by Major Rutledge and his excellent lady. It was the strongest evidence I ever had of the feeling that binds Carolinians to their countrymen. They certainly did receive me as if I was in some sort akin to them. I traveled in Mississippi to the westward of the Tombigbee upwards of one hundred miles on horseback. At first it was dreadfully fatiguing, but on the return I did not mind it. I saw much of the beautiful Choctaw country, which, after all, is not much better than our own. An old man from South Carolina explained the difference admirably well: "This country," said he, "is better than South Carolina now, but South Carolina was a great deal better when it was new." * * * My concerns in Western speculations will, I hope, be in the end a benefit, but at present it is a great hindrance and clog upon me. The occurrence of any one serious public embarrassment would infallibly ruin me. You may judge then whether I am favorable to any project like the sub-treasury, under which there is a great risk of the total prostration of credit. Adieu.

YOUR BROTHER.

I ought to set out day after to-morrow for the Legislature, but will not be able.

TO HUGH S. LEGARÉ

Washington, December 17, 1837.

Your short letter, dear Hugh, I will answer by a shorter. The unanimity of the Legislature and of the people is unnatural. It is a forced and unsettled state of things. Mr. Calhoun's triumph is complete and even too great, for he has crushed his lieutenants. You will see Hamilton's resolutions on which he was left the honor of standing alone. I told him that I thought he was right. His local or State influence was gone and he must look to his reputation abroad. It is only by the reflux that the channels of his credit can be filled again—and it is his character abroad that must give him consideration at home.

The House has no leaders but the Rhetts and they do not lead except when they have the popular set strongly with them. Texas is to be added to the subtreasury to-morrow. The majority will be nearly the same. McDuffie's name from being a word of power is significant now of nothing but failure. I believe the spirit of disunion is very general in the State, and if it suited Calhoun to take that ground there would hardly be a rally. Texas is disunion—they mean it so. Tired of New England, they desire divorce and a second marriage. My consolation is that South Carolina has not the decision of anything in her hands except her own character and the selection of who among her sons shall be accounted the worthiest, at least in the State House.

Adieu. We go home on Thursday.

Yours,

TO MRS. JANE PETIGRU NORTH

Columbia, 20th December, 1837.

I am sorry my dear Jane that I can't go to Badwell. * * * I have been here almost three weeks and tired I am of it. My position is that of a person in a dead minority. Everything has gone for the new scheme that Mr. Calhoun patronizes. I say every-thing not every-body, for Preston, Hamilton, Hayne, Legaré and I, are somebody, I think, not to mention other names as well entitled to be considered, and they say that McDuffie is very sullen though he concurs with his old leader. I made a speech and have even printed it. I will send you a copy. * * * I have got a few cuttings of the Hervemont grape and some others, with a few seeds he also takes charge of. I have received a letter from brother Jack—he has bought the farm and I am to pay 540 dollars in January. * * * Poor Chancellor DeSaussure is quite broken in strength; he had no hope of being able again to resume the discharge of his duties and resigned. One of the handsomest things the Legislature did for a long time was to give him a year's salary in advance, so he has \$3,500 to

pay the debts which he contracted in equipping poor Sarah and her infatuated husband* for their wild goose chase to China after the conversion of the heathen. You remember Fanny Cooper, that was, married to Joe Lesesne. They are in Mobile, and anxious to come back. I voted for Joe to fill poor Nott's place, but he had no chance. Strange to say, Joe has become, if not devout, at least so sober in his way of thinking, as to be strongly suspected of Christianity.

This letter is written in the Hall of the Representatives. The clerk is reading a long rigmarole of names and the members are making as much noise as the idle boys in a country school when the Master is out. Do not be surprised therefore at my mistakes, but whether quiet or hurried, believe me I am always devotedly,

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Columbia, December 20, 1837.

I have paid Noble for his land and send the deed by Mrs. Wardlaw to be recorded and handed to you, also some cuttings and seeds. Our brother Tom's crop this year is very sorry, indeed. It would have been so anyway, and the storm injured it very much. On the contrary mine is rather the best I have ever made yet, tho' it is no great thing. * * * A little plantation is a sorry undertaking in the low-country.

I have just had Henry Lesesne appointed justice of the peace. This is the second favor I have asked and received from this House. They have been so obliging as to pass an Act to allow Reid, tho' an alien, to be admitted to the Bar. This was very considerate of them, as I have supported during the whole session very unpopular opinions, and been on the greatest questions in a very small minority. I hope that Reid will succeed at the Bar, but while he gets \$1,000 a year I think he had better stay with me. I was very sorry to vote against the Speaker† for chancellor, but I hope he was satisfied from no want of respect or esteem. In fact, I wished him to give way to Dunkin, but he would not, and he was the only person I tried to convert to that side.

Our low-country people are desirous of having a Judge below and there were great reasons for it on the score of convenience. I suppose there never was a man more relieved and gratified than the new chancellor by his election.

*Boone, afterwards Bishop of China. He proved a very capable missionary.

†Wardlaw.

CHAPTER XXII

1838

MRS. NORTH TO TEACH SCHOOL; FIRE IN CHARLESTON; GOVERNOR GILMER OF GEORGIA; LEGARÉ

Mrs. Jane Petigru North was a woman of brilliant intellect, strong in character, and of commanding presence. She possessed many of the characteristics of her brother, but the basis of her character was the absolute unselfishness and constant desire to make other people happy. Well knowing the ease with which ~~burthens~~ could be packed upon her brother, she was one of the very few who ever tried to lighten his load.

With this end in view and encouraged by sincere friends in Abbeville she desired to take charge of the district school. On this question of schools and school teachers Mr. Petigru writes her the following characteristic and instructive letter:

TO MRS. JANE PETIGRU NORTH

Charleston, January 29, 1838.

My dear Sister:

Bull came here on Saturday and delivered to me your letter of the 18th, which I have read several times, and given to Caroline to read, and she has read it. And after all we still think the contents of a very stirring and important nature. * * * To be the governess of a respectable female school, the Madame Campon of a village seminary, although not the very highest prize in the lottery of life, nor even the most brilliant part which a woman may play under the democracy, (when a very invidious distinction is made by excluding them from the benefits of the general suffrage,) is nevertheless after all depreciating considerations of that kind, still an honorable independency.

It stirs my heart toward your friend, Mrs. Wardlaw, and her excellent husband to hear and read how warmly she embraces the plan. My opinion is entirely in favor of it; my conscience is satisfied, too, on the score of your qualifications and abilities. The great point is to ascertain whether the patrons of the school will heartily concur in it as an arrangement as advantageous to them as to you. For I would not, by any means, have you accept the place or rather obtain it on the score of

favor or as an alms. If they are sensible to the advantage of having at the head of the school a lady who has a just sense of her dignity and who, though not brought up to teaching has character and capacity to govern, they will prefer you to any mere professional candidate. And I would answer for you as soon as I would for myself that the scholars that are committed to you will never suffer for the want of attention or from the influence of a mercenary spirit that looks to the teacher's gains as the chief object of teaching. I know from experience how vexatious a thing it is, but you are older than I was when I had to struggle with the indolence and stupidity of the young fry that were gathered about my schoolhouse, and will succeed a great deal better. Nor is there any doubt that a school at the village would be on the whole a more pleasant and satisfactory life than the out-of-the-way farm at Badwell. But a great deal depends on the commencement and more still will depend of the progress of the school. If you should get few scholars, or not give satisfaction you would find the exchange uncomfortable. But if you have a good school and escape contention or discontent among the parents, I really think, my dear sister, that you would be far happier and far more usefully employed than in your present situation or any other within our reach.

These are my views and if the treaty should be entered into I will feel for your friend, Mrs. Wardlaw, a livelier sentiment of gratitude than any lady has awakened in my bosom for a long time. Tom was here last week, but is now in Georgetown.

P. S.—If you take the school I must send you globes and maps, and a teacher of music and all such things.

At the meeting of the board of trustees one of the members made the remark that "Mrs. North would teach the children fine manners and that was not what the people wanted." Whereupon Judge Wardlaw instantly withdrew her name.

TO MRS. JANE PETIGRU NORTH

Charleston, 30th April, 1838.

My dear Jane:

The scene before us at this time beats everything in the way of moralizing, that the pulpit or the tragic stage can do. Charleston may be said to be no more. The desolation that reigns in the busiest, liveliest streets, the rude columns that once were chimneys, standing as thick as trees in the forest, and the piles of rubbish lying everywhere over the ground in most unsightly disorder, are miserable memorials of our fallen state. You will see in the papers which I send you, a detailed account of the losses. Some particulars I may add that would interest

you. The last house burnt in Meeting Street was my friend Magrath's. Dr. Porcher's house is standing like a sinner saved—marks of fire on every board to the north—the kitchen blown up. The fire was finally stayed at 12 m. in Liberty Street, and a blessing that it was, for despair began to paralyze the exertions of men as much as fatigue. I was there of course, for its progress would then have been to Miss Webb's, and worked away till I was ready to break into a flame myself. In the night from 3 o'clock till daylight I was at Gen. Hamilton's. He and Mrs. Hamilton and all the family indeed but Miss Cruger and James, away. We sat on the top of the house a long time, looking on the ocean of fire that spread before us, and a more terrific scene the imagination of bard or painter never suggested for the idea of the infernal regions. The wind, which had been southwest changed to west, and that change it was which saved the whole of what is left of the north and east of King Street. The western winds carried the flames down to the water, and by great efforts they kept the fire from Laurens Street. Immense exertions were made by individuals, but there was a want of combination, a feebleness of action on the part of the public which was pitiable. I never saw Pinckney* till the next morning and when we were struggling against the flames in Liberty street in a narrow gap where seemed the last chance and where we did in fact succeed finally in stopping it; he was looking on saying that it was useless. There is no knowing what will be done—wise and vigorous counsels are necessary to keep this place from losing the very name of town, and sinking into a village. We all think it was a judgment but disagree for what it was sent. I think it was the boastful, threatening, and insolent convention at Augusta, where we were making such ridiculous promises of what we were going to do.

Daniel goes on Thursday morning to Baltimore consigned to Mr. Legaré who is to take him to St. Mary's College, Maryland, a Catholic institution; but as Legaré says, for the improvement of his morals I am willing to run some risk of his faith. He has had some lessons since he left Mr. Cotes in February that will do him good. * * *

YOUR BROTHER.

TO HUGH S. LEGARÉ

Columbia, 1 June, 1838.

My dear Legaré:

I wrote you yesterday by Express mail—and now only add unimportant details for the events that have since transpired. But I desire that you should know that these proceedings tho

*The mayor.

most offensive in form to Preston are in reality most insulting to you and Campbell. For they have been adopted under an impression derived from letters received from Washington that you two were to be operated on and might be made to succumb. As the wildest supporters of the right of Instructions never till now as I have heard, pretended that the Legislature could with propriety instruct a member of the house of Representatives I regard this step on the part of those gentlemen as a proof that the State has fallen into the hands of people that have no sense of propriety.

I do not conceal to you my opinion that your honor is concerned not only to vote but to speak, and with all your power against the Sub-Treasury bill. Any compromise with these people will be regarded by them as a triumph over your principles. Rhett, who is certainly a clever man (not Jim but Albert) delivered a speech filled with the most bitter feelings, and the most insolent contempt of the common rules of civility, and morals that I ever heard. Denouncing Hamilton, Hayne, etc., as deserters; and proclaiming the sub-treasury to be the test question of the great party,—therefore there was to be no fooling or talking of moral scruples. And to these nefarious sentiments nearly every Union man (that was) set his seal as well as all the nullifiers with a few scattering votes here and there.

This looks badly for our case. Now see what there is on the other side.

At a dinner yesterday after these exhibitions at a private table, therefore not to be published, McDuffie denounced the sub-treasury in unmeasured terms of reprobation, and Hayne who was present was equally bold. A few of us put Toomer up to wait on Noble and invite him to be Governor, to which he gave his gracious assent—greatly to the annoyance of Elmore—who is equally anxious to be the great man for 2 years and who doubtless expected to choke Noble off. There is good reason to believe that a reaction has begun in Richland which will make even Elmore's election doubtful.

If the sub-treasury fails in Congress the party that has been hastily gathered under that cry, will as hastily disperse—and the violence with which these men have begun will deprive them of the power which they have shown so much inclination to abuse.

The Bill for the relief of Charleston passed easily, being turned into a measure for the increase of the capital of the Bank, and we are all going home after a week of great excitement with a sincere wish on my part that we may never meet again. Show this letter discreetly and to none but Preston and Thompson.

Yours truly,

TO MRS. JANE PETIGRU NORTH

Augusta, 19 August, 1838.

My dear Jane:

As I suppose Tom has left you for Greenville (anticipating the time when you read what I am writing) this letter is for you instead of him as I at first intended. Two disappointments kept me in Milledgeville two days longer than I intended. On Wednesday night the stage was full and I was obliged to return to Gov. Gilmer's after packing up and waiting at the tavern an hour. Again on Thursday night the stage came crowded from the west, and it was not till Friday the 17th that I got a seat and proceeded on my journey. I was quite indisposed that night and the next day, but arrived in Augusta yesterday at 4 o'clock and am now quite well. In the morning I will take the car and hope to be at home the same evening. * * *

I suppose Tom has told you of our expedition and of the grand crops we saw on the Chattahoochie. My old schoolfellow Gov. Gilmer and cheerful little wife received us with the kindness of former days. He is indeed a primitive sort of Governor and exemplifies in his own practice the republicanism that he professes. No parade—no show—no silver forks—dinner at 1 o'clock—the afternoon at the office as well as the morning—the evening reading the same newspapers as in the morning—home at supper and early bedtime. Such is the day the Governor passes, but the sincerity and honesty that characterize this ruler of the people are better than the glare of a court, at least for us, and the heartiness with which his little wife welcomes any one that has the good fortune to be her husband's friend, is the best commentary upon the union that has made them one. I went to church to-day, and have made out with less ennui than I expected, the time that I have been forced to delay in this place. I hope that you will agree with the Trustees of the school, but if you do not, we will make out as well as we can. My love to Tom and Anne and Mary if they are with you, and to the children at all events, and always dear Jane,

YOUR AFFECTIONATE BROTHER.

TO HUGH S. LEGARÉ

Newport, 10 September, 1838.

My dear Legaré:

I perceive by your letter that you have not got the one I wrote just before I left Charleston. As you are so near us I do hope you will come to Newport. I desire to talk over many things with you and to hear many. I suppose you know for Ben Huger could have told you that I have been in the Western Country—and may easily conceive how much I am behind in my corres-



pondence. That last letter was written to be showed Alfred—and to be taken therefore in a sort of middle sense, which may explain the tone of it if it falls into your hands. With all our friends termed sub-treasury men, it is impossible to contend for principles except indirectly. The place into which they have put South Carolina is so mean and discreditable that it is impossible for me to feel any interest in her. I trust them as I would a drunken man, with whom one does not talk on business at all. It is necessary to wait till they are sober. I have no doubt that whenever that time comes we shall be commended for not flattering her weakness. For your comfort I can tell you that the whole difficulty which Stuart and his set have in turning you out is to get a decent candidate. And the best symptom of the times is that no sub-treasury man of respectable pretensions is willing to oppose you. Of the old nullifiers there are hardly ten that do not profess an extravagant admiration of the sub-treasury in general, and of the specie clause in particular. The Union men with a laudable zeal for the truth which renders them doubly anxious not to be wrong a second time raise a still louder cry for the same wise, safe and beautiful system, so easily understood and so perfectly proof against objection. Thus we are left in the city altogether to the commercial classes. To be sure the majority of them are with us; but it is only a majority. There is Perant the Fisherman, now you know, a considerable man—a Bank director, etc. He told me in good earnest that he was a strong sub-treasury man. For why? Because he was determined if he could help it not to pay a premium for specie and Treasury notes. He had been obliged to pay by you—two—three—five per cent on the Treasury notes, and the Specie,—which is a great shame—and he must have the Sub-treasury.

My wife joins me in entreating you to come here. If you come remember we stay at Miss Munford's—but it is full of women and children. Whitfields or Potters perhaps would suit you better, and they are all near. Caroline too joins in requesting you to come and in the regard with which we are always and truly yours.

J. L. P.

Strange that we can not hear who is the new Mayor. I believe that I will bet on Pinckney.

TO HUGH S. LEGARÉ

Charleston, November 12, 1838.

My dear Legaré:

Your letter of the 29th ult was here before me. We reached home on the 9th and I am trying hard to work out the con-



MRS. R. F. ALLSTON
1810-1896

Née ADELE THERESA PETIGRU
BY THOMAS SULLY
1834

(Facing 200)



fusion of papers, business and engagements that I have about me. I have seen none of the enemy and conversed but little with our friends, Huger, Pringle and Mrs. Kinloch and her mother. With the rest not at all—having had no interview. But as respects your resigning I can not conceive who it is that advised you or intimated that you were expected to do so. I am bold to say that you are expected to do no such thing and that it would be a very fretful act on your part, which nothing could justify but your interest or convenience, if you had the plea of private interest to set against the claim of public duty. There is no fear of our speaking out on the subject if the enemy should call on you to resign, but I scarcely think they carry their enterprise so far.

I was told you were vexed with Holmes. It would be throwing away much good indignation to bestow it on Ikey. The temptation of a seat in Congress was too great for his virtue; nor is it to be wondered at. I am sure I would not, as his friend, ever consent to expose his principles to such a trial, and can, therefore, feel no surprise at his falling into the snare. The more difficult case for charity is Poinsett, but he really is a man so made up of deceit that when he deceives he is hardly conscious of it. As a proof he could not comprehend the fuss that Bennett and Huger made till he had a copy of his letter sent him. He now coolly observes that he is at length sensible that his early letters are susceptible of the construction that he was favorable to your election. It is a long time since I have felt any interest in that gentleman, and this trait only surprises me, as it is a proof of the want of address or ingenuity. It would have been easier to explain the whole thing according to what is probably true, that the order to show you no quarter was a consequence of the final breach between the Democrats and the Conservatives. And that the expulsion of the Conservatives was now a cabinet question.

I do not see that it makes any difference whether you come home before spring or not, except to your own feelings. All the troops of Calhoun and Poinsett have assailed you without provocation, upon the order of their leader, their hatred will be in proportion to the injury they have done you and upon the sight of your wounds they would only be more ferocious. If you stay away till next year they will have got something else to pursue and may even be inclined to forgive you.

By this time you know the result of the New York election, and there is great joy on one side and on the other lamentation. There is no man that has more reason than you to wish the Whigs success. They have my good wishes without reserve, but I fear their rows are wasted on great Jove. Adieu.

Yours truly,

TO MRS. JANE PETIGRU NORTH

Milledgville, 17th December, 1838.

It is four weeks, my dear Jane, that I have been here, and I write now in the Senate Chamber, while they are discussing the Sub-treasury. My residence here is in a kitchen and my business no better, for I am employed begging people to do justice, and though it is not alms that I ask, still it is begging, and in begging one feels as humble as in living in the kitchen. After all my pains I have made but little progress. Last Friday they resolved to hear me in support of Trezevant and the next day they changed their resolution and determined not to hear me. All that I expect now is to get a Commission of Inquiry and to begin again next winter with a little vantage more than this time. My old Friend the Governor* and his wife received me with great hospitality, though the nature of my business prevented me from staying with them. I found here Pholoclea Casey, who is no longer the wild young thing that I first knew her. She has joined the Methodist Church and looks mature, but rattles almost as much as ever. Then there is Mrs. Pepper, a niece of Margaret Trezevant, that looks very much like her, but loves admiration as much as any widow of them all, but as she favors my claim and recommends it to her beaux, I have great reason to be grateful to her. Here too I met many of my Willington contemporaries, whom I have never seen in 30 years, and now see in them melancholy marks of change. * * * I hope you have directed Mr. Ben to send his note to Charleston for me to pay. By a letter I received from Mr. Reid, I have had assurances that Mr. Ben Smith's debt will be paid this winter by one Abbott who owes him money. If I can not pay the money out of my own, I shall be able to pay it out of yours, which is less agreeable to me, but better than being dunned. I think that I will have to sell my plantation this winter. It goes against me to do so, but there are many reasons for it and I hope my wife will be reconciled to it, though she and Caroline dislike it both very much. That is one reason why I felt so in earnest about Trezevant's claim;† if I had succeeded in it, there would have been no necessity for my selling. It is still uncertain how long I shall be here, but probably I will be in Savannah by the end of the week and stay there a week or ten days. Adieu, my love to the children. Give Eliza joy of her lawsuit.

YOUR BROTHER.

*Governor Gilmer.

†Peter Trezevant against the State of Georgia.

CHAPTER XXIII

1839

SELLS PLANTATION; ECONOMIZING; FEET IN THE STOCKS

The apprehension of ruin expressed in Mr. Petigru's letter of 1837 was not without foundation. After bearing the burden of financial embarrassment for several years he was forced to sell his most available and most remunerative property. On 25th of January, 1839, he writes to his sister Mrs. North:

TO MRS. JANE PETIGRU NORTH

As Tom is going in the morning I wish him to take this line to put you in mind of me. I wrote to you when I was at Savannah and I suppose it is the last you will ever receive from me from that place, for I have this day sold the place and half the negroes for \$55,000. It is a melancholy thing to sell from compulsion, which is in effect my case. But on the whole I am much more satisfied since it is over, and though it has been rendered necessary by my Western entanglements and the result of those relations is yet very uncertain and may ruin me at last, yet for the present we will hope for the best. Tom is going to take possession of his new acquisitions, and I daresay he will buy another pickpocket place before he comes back, but it is a great thing to please one's fancy. Duvall sent your note to Miller & Ripley and I would have paid it before if I had not been every day and all day engaged in two Courts in very exciting law suits, and all the evening in the office till 11 or 12 o'clock.

TO MRS. JANE PETIGRU NORTH

Charleston, 21st May, 1839.

My dear Sister:

If you think it a long time since you heard from me, I assure it appears no less to myself. Since January I have been very much hampered and of late showed some symptoms of breaking down, but thank God, I am on my feet again strong. Mary will be able I hope to give you a narrative of everything about everybody, but unless I am mistaken, the very journey that she is going upon tomorrow will furnish but too many topics for conversation by the time she gets home. Our nautical

friend and brother is going off, without having written to apprise you, and as it appears to me, without making any preparations. I feel grieved to see him doing things which would be laughable enough if done by a person one cared nothing for. He is at this time in the greatest hurry, without having anything to do and at least without knowing what he is going to do. I hope your little farm begins to smile and that you have a garden with pulse and greens and such things. Dear sister, if I can get my feet out of the stocks, for such I may call the trammels that are on me and about me, I will see you in July or August. But I don't make sure of it, and if I do not come, you may be sure it is because I am not able. I rendered your account to the Ordinary in April, and have the pleasure of telling you that I now have in hand for to pay the Norths 3,200 dollars; by the time you hear from me again, expect to hear that this grievous debt is discharged, and that you are clear of the world. When I can announce that fact, we will take a new start—it will be another beginning. I suppose my Caroline has written to you. I do not know what others say, but she is a very good child. For the first time for 14 years we have no carriage, and at no time in 20 years has our house been so gloomy as at the very time when other people brush up and look as smart as they can to bring out a daughter. But she never grumbles, takes everything quietly and gains more upon my esteem by her habitual good humor and cheerfulness, as she has more occasions and opportunities of showing her willingness to submit to circumstances. I suppose you know that Dan has reformed—a very great reformation it is, if I may judge from the language of the Professors, and indeed his own letters show that his sentiments are changed very much for the better. I count it decidedly the greatest happiness of my life.

Sue* I am afraid will after all of our pains turn out a wit. She writes oftener than she did, and her French letters, though French only in the words, show that she has made some improvement. She affects to be very unhappy, but it appears to me she is very unreasonable. She sees better society than she would do at home, for Mrs. Drayton patronizes her and she could not have a better model nor visit a house by which she will improve so much. I did not think that I would write so much, for I am tired with a long dispute between two widows—of the same husband, mind—whose quarrel by some fatality has kept the court (Judge Lee) off and on for a month, and with a set of prosy clients that have left me hardly life enough to

*His daughter Susan was sent, at the age of fifteen, to the fashionable ladies' school of Madam Giyou of Philadelphia. One of her daughters, Acelie, married Dr. John Togno. She became a great friend of Susan, and will be subsequently mentioned.

Jane

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CHAPTER XXIV

1841

MARRIAGE OF HIS DAUGHTER, CAROLINE, TO WILLIAM A.
CARSON; DEAN HALL PLANTATION, COOPER RIVER

TO WILLIAM ELLIOTT

Charleston, 6th October, 1841.

My dear Elliott:

* * * You have seen that our friend, Legaré, has got a place in the commonwealth and I have given him my clerk who is worth all the abstractions from the beginning of time. Captain Tyler* is an oddity. He is like some weak man, justly chargeable with superstition, because he looks for an infallible guide in some book, that has no claim to inspiration. But, what is so ridiculous is, that it is his own book that makes this formidable authority and, like a fool, he is turning over the leaves of his old speeches, to ascertain what he should say or think, in circumstances which call for the exercise of all his judgment, and of which he had no idea when his feeble speeches were made. If he was not such an imbecility he would resign or go over to the Democrats. Adieu.

Yours truly,

Although Mr. Petigru at this time was overrun with work and harassed by business cares, his attention was further distracted by the marriage of his eldest daughter, which would cause a serious change in his household.

Caroline Petigru during her early years went to school in Charleston to Miss Susan Robertson. The cardinal principles of this school were punctuality, demeanor, and English grammar.

On the recommendation of Mr. William Drayton she was sent, in April, 1834, to the school of Madame Binsse in Varick Street, opposite St. Johns Park, New York City. Miss Cruger had, after Madame Binsse, the government of the child and devoted herself to the little Hamilton and her.

While she was at school in New York she said that Miss

*John Tyler, President.

Cruger taught her her fine manners and the finer points of social tactics.

Petigru writes on the 4th of August, 1835, to Mrs. North: "Caroline has been sick since the first of July and lost the whole month to her school. She improves every day, and is as amiable as ever, but not so pretty. Her improvement is equal to what I expected. They say she has a little music; her drawing is very creditable, and her French is beyond what she would have obtained at home, but not complete. Indeed sixteen is not an age to finish one's education, and in taking her from school I do wrong and do it knowingly; but she and her mother are both against me and I yield. Perhaps the more easily because I love the child so much, and that I can not but feel the influence of the pleasure I expect in having her with me at home."

From her intelligence, character and good sense,—in a word, her personality, Caroline Petigru made friends among all classes of society, from statesmen, bishops, lawyers, doctors and artists down to the humblest menial.

On her return home, under the direction of her father,—which was a liberal education in itself,—she diligently continued her studies. Being similar in capacity and taste, each took pride and pleasure in the achievements and accomplishments of the other, and in time there was developed between them a mutual dependence.

Much to his gratification she gradually reorganized the Broad Street household with some consideration for his happiness and comfort. Although without assuming official control, she was by tacit consent ever recognized as the guiding hand of the establishment.

It can readily be imagined what a difference her marriage would make in his life.

In the *Charleston Courier and Mercury* is found the following notice dated Friday, December 17th, 1841:

Married on Thursday, 16th inst., by the Rev. Paul Trapier, William Augustus Carson to Caroline, eldest daughter of James L. Petigru * * *

As to the origin of his son-in-law, William A. Carson, the following are extracts from a letter of John Peter Richardson* to Mr. Petigru:

*Governor of South Carolina 1840-1842.





JAMES LOUIS PETIGRU
BY THOMAS SULLY
1842

(Facing 208)

dence the house at 90 Tradd Street, corner of Orange, where Mrs. Carson resided until her death.

James Carson and his wife had two children—Laura, 1798, and William A. Carson 1800–1856. Laura Carson and Jane Amelia Postell (afterwards Mrs. Petigru) attended the fashionable ladies' school of Mlle. Datie. In 1816 Laura married Henry Brevoort of New York, who like many other prosperous people in New York had been a clerk of John Jacob Astor, upon whose retirement Mr. Brevoort succeeded to the business. They had three sons and five daughters who have left several descendants fairly well-to-do, and some of them eminently proper citizens.

William Augustus Carson was a rice planter, good-looking, well educated and entirely a man of the world; he was dignified and modest in manners, genial, clever and entertaining in conversation. He occasionally spoke of his aunts, Mrs. Habersham and Mrs. Thomas of Georgia; and Mrs. Herbemont of Columbia, South Carolina, and of his cousins in Camden. But as he could never find time to visit any of them, the connections were not kept up.

Soon after the death of his father he left Harvard College, where he was a student, and returned to Charleston to look after the interests of his mother. He was seized with the fascination of rice-planting and in 1821 he and his mother bought Dean Hall plantation on Cooper River. Previous to the Revolution Dean Hall had been owned by two Scotch baronets,—Sir John and Sir Alexander Nesbit. Here they probably led the life of country gentlemen. In February, 1796, a race was run between John Randolph of Virginia and Sir John Nesbit of Dean Hall. Each rode his own horse; Randolph won. Many of the married fair ones were heard to confess after the race was over that "although Mr. Randolph had won the race, Sir John had won their hearts and they much preferred him in a match to his more successful competitor."*

The dwelling house of Sir John Nesbit, which was burnt down, was on a hill three hundred yards north of the present house, which, in a much inferior location, was built by William A. Carson in 1827. This house is fifty feet square; three stories high; with a piazza all around supported on brick arches, the roof being of slate; the walls are 18 inches thick, made of old Carolina grey

*History of Turf of South Carolina, page 18.

brick, laid in shell lime mortar. The standard size of these bricks is 9 by 4½ by 2¼ inches, and each weighed six pounds. They were made at the Medway Plantation of Back River. The same kind of bricks were used in the construction of Fort Sumter.

General Cullum of the United States Engineers, who had examined the masonry of the Phoenicians, Egyptians, Romans, and Spaniards, said that he considered them the best brick that he had seen in any part of the world. As Captain of Engineers in charge of construction at Fort Sumter up to 1860, he often visited the plantation.

The durability of the roads, floodgates, wells and other constructions of William A. Carson show that he was a capable engineer and in his ideas on sanitation and drainage considerably ahead of his time.

The following description gives a good picture of the rice plantation of those days:

We have now reached the "T," forty miles from the city. The main body of Cooper River here divides into two branches, the eastern and the western. The boat takes the latter branch. Immediately on turning into it, Dean Hall, the former residence of Sir John Nesbit, a Scotch baronet, but now the estate of Colonel Carson,—breaks upon our view. The site this plantation occupies is very favorable to a view of the river. It resembles a well-ordered village more than a single plantation. The residence of the proprietor, the condition of the fields,—the banks—the white and cleanly appearance of the negro houses,—the mill and threshing machine in complete order,—all excite a strong feeling of admiration and stamp at once the proprietor as an experienced and skilful planter.

It is the place visited recently by a distinguished nobleman, who, after scrutinizing, as was his wont, with an inquisitive eye, all things appertaining to the habits, food, clothing and treatment of the slaves, voluntarily tendered this honest conviction of his heart,—“It is impossible,” he said, “for me, an Englishman [Sir Charles Lyell] to say I am a convert to your institutions, but I candidly confess, from all I have seen, my prejudices have been entirely eradicated.*

*“A Day on Cooper River,” by J. B. Irving, 1842.

CHAPTER XXV

1842

FINANCIAL FAILURE

The embarrassment of Petigru's affairs caused by the adoption of specie payments precipitated his difficulties and the final disaster came in 1842.

South Western Railroad Bank,
Charleston, S. C., January 11th, 1842.

James L. Petigru, Esq.,
Charleston.

Dear Sir:

At a meeting of the Board of Directors of this Bank held this day I was instructed "to inform you that at the maturity of your note for \$9,602.56 endorsed by Gen. James Hamilton and falling due on the 17th inst., a reduction of the amount will be required and also that some responsible names be substituted for that of Gen. Jas. Hamilton.

I remain very respectfully your most obedient servant,
EDWIN P. STARR,
Presdt. Pro Tem.

TO EDWIN P. STARR

Charleston, 15 January, 1842.

Dear Sir:

I have to acknowledge yours of the 11th inst. communicating a Resolution of the Board respecting my note falling due on the 17th. The indorser on that paper is really the principal, and tho' this detracts nothing from my obligation to pay, it may in some measure account for my not having expected to be obliged to provide for it. As my friend is expected in a few days and it is not in my power to meet the heavy engagements which I am under for him, I will ask the indulgence of the Board for time to make a specific proposal at least for a few weeks. It is not impossible that his arrival may place us in a situation to do more justice to the kind and considerate indulgence we have received from your institution than is unfortunately now in the power of, dear sir,

Your obedient servant,

J. L. PETIGRU.

JAMES L. HASKELL

A letter of the 26th of February, 1842:

* * * No doubt you have been advised of Sue's doings, though I had not the consideration to tell you of it directly. It is now a nine days' wonder that nobody wonders at any more. I hope you like it, as we are all very well pleased here; but when the knot is to be tied we do not know. * * * These are times of great suffering, but I am told the race course was as well frequented as ever.

"Among the calamities that have touched my feelings there are few for whom I am more sorry than Mr. Bullock, of Savannah, who is totally ruined by the success, too, of his own policy or that of his party, the hard money, no credit system. It would not surprise me if a great many of our public men on the same side should be reserved for the same distinction, and be examples of the superiority of party to considerations of interest. Everybody is pleased with Jim* Rhett's disgrace, who is beaten more than 5 to 1 by Isaac Holmes, and I am pleased, too, with Barnwell Rhett's election, who has succeeded, but with such difficulties as will be a lesson to him.

TO SUSAN PETIGRU

Charleston, April 1, 1842.

Dear Sue:

More than a week ago, I had the pleasure of hearing from you, and then resolved that I would take the very earliest opportunity of expressing the pleasure which your well formed and easily legible character of writing gave me. I never could enter into the refinement that sets no value on a fine hand. It is true that no embellishments of penmanship confer dignity upon a mean style; and if the thoughts are not liberal, the decoration of handsome capitals and well turned stems and tails never procure for one the praise of fine writing. But the same thing may be said of good words; they will not of themselves make amends for the want of good sense; yet without some command of diction, some skill in the adaption of language to harmony as well as variety of expression, wisdom itself would suffer under the reproach of rudeness and rusticity. Be not ashamed therefore of the merit of possessing a belle ecriture. It is well to aim at the highest excellence, but not well to neglect the subordinate and secondary virtues of neatness and external ornament. Perhaps I am needlessly alarmed by the fear that you will be carried away by an admiration of the surprising discovery of the phonetic hieroglyphics, which the fame of Champollion has so widely diffused; but I can not help expressing my hope that you

*Younger brother of R. B. Rhett; married Miss Haskell, sister of C. T. Haskell.

that part of a liberal education. So I packed off a Bill to Mr. Tallmadge and requested him to give Dan money to come home. The vacation begins on Thursday and he will get my letter tomorrow; the vacation is five weeks, and we will probably see him here by the end of the first. I very much admired your spirited account of the picnic, and did not find the latter any less agreeable from being so legible. Signor Ravina has indicted an epistle for you, which (to avert, I suppose, any suspicion of abusing the Master's privilege after the manner of Abeldard) he has sent open, and in the same way I enclose it to you. I would fain hope that the famous account you have given of Ma's revival will not need any qualification in your next. I don't think the streets are any quieter and the little Melvins no doubt miss her extremely, for, they are deprived of the resource of polite conversation which they used to have, by accosting me every day to ask how Mrs. Petigru is. I have no doubt that Louisa Ancrum was married to day, but I have seen nobody that was at the wedding, and must refer that and all the important news of the day in the same line, to some other time. Mrs. Neufville was very anxious to see your letter, but, as there was not a word in it about herself, I wisely withheld it from her curiosity. It is 10 o'clock; I had no notion of writing so much, but will desist, not without love to Ma and sister and thanks to our Familiar for taking such good care of you all, and hope of hearing of you by the return of the boat, the good accounts which will, of all things always form the greatest balm to the feelings of

YOUR FATHER.

TO MRS. JANE PETIGRU NORTH

19th of May, 1842.

There is nothing like good habits as I feel from them that I miss. But it is not habit, it is truth and sincerity with me when I write to remind you of my affection. So much is it second nature now to write only at the office and there to write but one sort of letter that I began this mechanically, "My dear Sir." * * * It is said by people from Washington that Mr. Calhoun and Mr. Legaré are becoming cronies. I have not heard from my quondam Whig for a long time, but in fact it is my fault, not his, for he has written to me last and if I mistake not more than once. I am sorry that we do not hear from the *Constellation*, but will evidently have some advices of her by the next Chinese arrivals. [His brother Thomas was on this ship.]

P.S.—I have come to no conclusion with my creditors, but have had a conversation to-day with General Hamilton that will remove any difficulty in my broaching the subject as soon as I am in a condition to make a specific proposition.

Among Petigru's papers was the following note:

\$2,516.⁷⁹/₁₀₀

Four months after date, I promise to pay to the order of J. L. Petigru, Esq., Twenty-five hundred and sixteen ⁷⁹/₁₀₀ Dollars for value received at the Bank of Charleston, S. C.

J. HAMILTON

This note was duly protested on October 15, 1842, and on the back of the protest is the following endorsement:

Note, ...	\$2,516.79
Protest, ...	2.00
Nov. 7, 1842, interest, 23 da., ..	11.10
	\$2,529.89

Recd. payment from the endorser Nov. 8th, 1842.

C. McKinney.

The endorsement on the note reads as follows:

J. L. Petigru
per Atty. Henry D. Lesesne.
J. Hamilton.

TO THE PRESIDENT OF THE BANK OF CHARLESTON

Charleston, 30 June, 1842.

My dear Sir:

The enclosed is what I have been about for some time, and now submit with a degree of resignation not unmixed with anxiety. The question really is to the Bank what will the assets realize? To me what can I pay? The mortgages on my house and the two lots will of course make the rate of payment much less than if they were free. On the other hand my proper debts I must pay with future earnings, for the Oswitche loan has absorbed everything I had that produced income. In view of these considerations I can not avoid the conclusion that even the humble dividend of 10 per cent will rather exceed than fall short of my means.

Yours truly,

J. L. PETIGRU.

Any explanation will be gladly given.

TO JAMES HAMILTON, JR.

My dear Hamilton:

I wish you would have for me, either at the foot of this paper, or any other way, a declaration of the fact that the note for upwards of \$9,000 in the Rail Road Bank, drawn by me and

endorsed by you, was made for your use, and that as between ourselves you are the principal.

Yours truly,

1 April, 1842.

J. L. PETIGRU.

The note in the S Western Rail Road Bank for Nine thousand dollars was discounted for my use, altho' drawn by Mr. Petigru. Charleston, 1 April, 1842.

J. HAMILTON.

A schedule of liabilities totalling \$105,544.36, with assets amounting to \$23,000.00, is given, and on the reverse side of the sheet is written:

My means have been absorbed in the Oswitchie Company, and the only property left besides what is on the other side was 50 negroes. These, in 1840, I mortgaged to Hope & Co. and Hayne of Hamburgh with the property of the Company. To all practical purposes they are gone.

I have not included in this statement the Oswitchie property in which I am entitled to a fourth—because of the great amount of the debt of the Company—and a further sum of \$100,000 which is jointly owing to Mr. Coster by Gen. Hamilton and myself, and forms a charge which exceeds the value of the subject.

This exception is made with a view to a composition of security debts on the principle of a fair distribution pro rata. If there was any probability that the debtor could do better, he would not come down to such an offer.

30 June, 1842.

J. L. PETIGRU.

A memorandum regarding the debts of the Oswitchie Company shows that they amount to \$225,000.

The Board of Directors of the Bank of Charleston and of the Southwestern Railroad Bank, comprehending fully the circumstances of his case as indorser for General James Hamilton, unanimously agreed to accept his proposition to pay ten per cent on the amount of his indebtedness and release him from further responsibility.

TO MRS. JANE PETIGRU NORTH

Charleston, 19th July, 1842.

* * * The Charleston & Rail Road Bank have agreed to release me from 40,000 dollars of security for 4,000 dollars paid down. I have at this time but 400, but from this day I must look about for some money wherever I can, and must get from Tom this winter all he can spare. I am in hopes now that I

shall clamber over this mountain in my path, though I can never expect to rake and scrape enough to retire as I once hoped to do, when too old for the stage. * * *

YOUR BROTHER.

To meet the losses of the oversanguine, or imprudent, Mississippi speculation he had to sacrifice his Savannah River plantation and various other resources. Still a large debt remained.

It was a terrible calamity for one 53 years old, with many claimants on his generosity and love. Yet it was encountered with manly energy, and after many years of exertion the debt was paid.

In this hard trial of his fortunes steadfast friends were ready to stand by him,—to pledge themselves and risk their fortunes in his aid. One of these, an old neighbor in the city, prompt at a moment's notice in venturing his whole property to stay the impending ruin, thought it a duty first to consult with another person—the partner of his household and life, and deeply interested, like himself, in the risk and the result. Her reply was, without an instant's hesitation, "Go on; sustain the man whom you had taken to your bosom as a friend, and who is worthy to be so; encounter any risk; I am ready to join you in meeting the consequences, whatever they may be."*

Mrs. Petigru often delighted in telling the story that on the occasion when Mr. Petigru sent his bond to Judge Huger, the Judge immediately threw it into the fire, with the remark, "I don't want any bond from Petigru." Such was friendship with these men.

It was not uncommon for Mr. Petigru's friends and even for members of his family to lay the blame of his ruin upon General Hamilton. No such complaint ever escaped his lips. Hamilton was essentially of a speculative temperament, and in this instance Mr. Petigru seems to have allowed himself to join in the speculation. That it turned out disastrously only proved the error of his friend's judgment and nothing more. It never affected their relations, which continued to be cordial and intimate. His friendship for Hamilton suffered no diminution. He always esteemed him an honest man and exerted himself to advance his children.

*Grayson Memoir, page 141.

At the time of his failure, General Hamilton had a meeting of his creditors, of whom Mr. Petigru was one of the most important, and he was employed to unravel the tangle. After affairs had been somewhat cleared up, Hamilton's friends wished to raise a fund of \$25,000 "to get Hamilton on his legs." They consulted Mr. Petigru on the subject, but in answer to the appeal he replied: "What? \$25,000 to set Hamilton on his legs? Why it would not be enough to help him to sit up!"

The following letters show the conclusion of this unfortunate matter and exhibit the high sense of honor which at all times governed Mr. Petigru's actions:

CHARLES K. PRIOLEAU TO PETIGRU

My dear Sir:

About a year and a half ago (in Novem. 1851) my mother was called upon to pay a debt of her brother, General Hamilton's, arising out of a bond which my father had signed as security for him; and in order to accomplish it she was compelled to sacrifice the single small portion of real estate, which his management had left her: namely her house and lot in Bull street. In the anxiety and distress which this naturally occasioned, none of us thought of examining very closely into the matter; but recently my attention has been attracted by the fact that you were also a signer with my father, upon the bond, and it has therefore occurred to me that you might be equally responsible for the discharge of the debt; will you be good enough to inform me if I am correct in thinking so? I enclose the bond herein for your examination, accompanied by the lien on the house which the General induced my mother to sign to secure payment of the bond.

The amount paid you will perceive by the receipt annexed to the bond dated Nov. 4, 1851, was \$2,223.37.

I remain, dear sir, with great respect and esteem,

Your obedient servant,

July 11, 1853.

CHS. K. PRIOLEAU.*

CHARLES K. PRIOLEAU TO PETIGRU

Charleston, July 13, 1853.

My dear Sir:

I am just in receipt of your esteemed favor of this date and hasten to offer you my thanks for the very kind manner in which

*Charles Kuhn Prioleau. His father was Judge Samuel Prioleau; his mother was Elizabeth Lynch Hamilton, sister of James Hamilton, Jr. He later became a member of the firm of Fraser, Trenholm & Co., Liverpool, the financial agents of the Confederacy during the Civil War.

you acknowledge your responsibility in the matter referred to, and for your proposal to return to my mother half of the sum which she paid out. It will be quite agreeable to mother to receive the \$1,111.68, whenever it suits your convenience best to pay it.

I fear the General *never* would have paid this debt; and the parties only waited until it was reduced low enough to be covered by the value of the house, when they threatened foreclosure and we had to sell. Reiterating my sense of your kindness, I remain, my dear sir,

Very respectfully and truly yours,

C. K. PRIOLEAU.

When Mr. Petigru was over 60 Hamilton approached him with some new visionary scheme for making a fortune and asked him to become a party to it, to which he replied: "No, Jim, I can not join you, but I will subscribe to it," and he handed him a check for no inconsiderable amount.

General Hamilton was born May 8, 1786. He was drowned November 15, 1857, in a steamboat collision at Opelousas, Texas, after a heroic effort to save the life of a woman.

TO MRS. JANE PETIGRU NORTH

Charleston, 19 July, 1842.

* * * The last news from Washington is that Lord Ashburton's mission so far as Maine is concerned, is a failure, that the Maine and Massachusetts men and Mr. Webster himself are unanimous to reject his Lordship's proposals. At any other time, such a state of things would make people uneasy about war. It is believed too that Mr. Webster will soon leave office and it is said that Mr. Legaré is one of the greatest men at Washington. * * * Two lawyers have within a week been killed by drink. Oliver Smith, so notorious for a certain sort of practice, was it seems equally fond of money and carousing. He went out to drive in his gig and was so drunk as to be running his horse up and down Meeting Street. T. Higham and his wife were going home soberly in a buggy about ten o'clock at night; poor Smith ran against them, struck the hub of the buggy's hind wheel and was thrown out and killed on the spot. Tom and his wife escaped with the fright. The other case is a poor youth not more than 25, son of Josiah Taylor, who died in his bed, having already drunk all he could in a lifetime. This boy was a few years ago the pride of Mr. Coates' school. * * * Love to the sisters three and am dear Jane for you and Tom and children ever

YOUR BROTHER.

TO THOMAS PETIGRU

September 8, 1842.

I feel no little pride in thinking of the pleasure with which I will have water drawn when I see Badwell again. * * *
 Poor Colonel Pinckney is gone. * * *

Tyler's administration seems to be a sort of godsend for people that never would have had promotion otherwise. I got some letters from Legaré. He does not write so frankly now he is a Cabinet minister and knows how much importance is attached to his sayings, but he had a large share in the negotiations in the late treaty with G. B. on one point, namely, the Creole. I was at Robertson's this morning and saw some of your marine curiosities, which I was really surprised at. But I have great fault to find with you for one thing. You declined Mr. Ravenel's* request for some shells. Now my dear Tom when one brings home shells if he is not a collector of a museum for himself he naturally gives them to some one who is a naturalist and has a collection. But Ravenel is a great conchologist and the very best disposition of your shells is to give them to him. I do hope that the work done on the well is not only neat but strong.

TO SUSAN PETIGRU

Milledgeville, 17 December, 1842.

My dear Sue:

The last night that I was at home, I went to Louisa Gladden's wedding. The young man appears very respectable and I hope she has made a good call. We were fellow passengers next day to Columbia, tho' I saw very little of them. At Columbia I found all the world agog about making a Senator in Mr. Calhoun's place and very much puzzled about a Governor in Mr. Richardson's. In the last affair I had little expected to have anything to do and had a great deal, for the opposition had determined to vote for Robert Allston whether he would or not. Your uncle behaved perfectly well: he did not like Mr. Hammond and his preference for a private station is not so strong as to cause him absolutely to discard the office of Governor from the list of desirable things. But he insisted with a manly spirit that he would not be Governor by accident, nor give any ground to suppose that he had availed himself of a momentary feeling

*Dr. Edmund Ravenel. Dr. John Holbrook, author of "Holbrook's Herpetology," and Dr. John Bachman, who in conjunction with Audubon wrote "The Animals of North America," and Dr. Ravenel were the scientific representatives of Charleston. Agassiz, on a visit to Dr. Ravenel at his plantation on the Cooper River, wanted specimens of the fresh water fish. To procure them Dr. Ravenel immediately had the water of his reserve drawn off. This entailed the entire loss of his rice crop, but he had the satisfaction of gratifying a friend and showing his love of science.

to carry an election by surprize, when his name had not been openly placed before the people for consideration. Under the influence of these sentiments, he rose in his place and disclaimed the nomination and requested his friends not to vote for him. Notwithstanding all this, he got 78 votes and Mr. Hammond had only 84. The result made it certain that, if he had not made the last public declaration, he would have been elected; for that declaration was received by many as an intimation that he would not serve. So he has the honor of refusing high office on a scruple of delicacy. It is a virtue in a man like the innate sense of pride and modesty that, in your sex, will not suffer a lady to accept of an acceptable person, if the offer is carelessly made. I hope that he will never regret the sacrifice he made, and I should be prouder of it than of a score of elections. Since I came away from Columbia, Judge Huger has been elected Senator in Congress, a place he has all his life aspired to as the summit of his ambition; so that our friends seem to be quite in favor. My operations here are not altogether unsuccessful, tho' I have no hope of their being brought to a close at this time. It was my desire to take Abbeville in the way home, but, sorry am I that it can not be done. * * * I could have spent Christmas more pleasantly at Badwell than anywhere. It is probable that I will spend it on the road. I embrace the aunts and cousins and am Dear Sue, affectionately,

YOUR FATHER.

CHAPTER XXVI

1843

THE DOWAGER; CASE OF JEWELL & JEWELL; MR. LEGARÉ;
MARRIAGE OF HIS DAUGHTER, SUSAN; LECTURE TO SUSAN;
THE SCHULTZ CASE

TO MRS. JANE PETIGRU NORTH

January 6, 1843.

* * * I was going to say that I had to meet great changes. A grandson is an epoch in one's life and seems to place him fairly in the rank of people respectable for age. Well, although honor is a fine thing and gray hair ought to be an ambition, I don't know whether one is not happier for a little less of it. To be sure, when it comes in the shape of preferment, as to our friend Judge Huger, there is no mistake as to its tendency, at least while the leaves of the civil chaplet are green, to increase one's self-complacency. The little specimen of humanity that has led to this digression is for certain a fine child, and Caroline (Mrs. Carson) looks as well as ever she did in her life. * * * My mission to Georgia was about as successful as I expected; that is the committee appointed to investigate the subject reported that Mr. Trezevant was a bona fide creditor and ought to have principal and interest, and that is all was done. But at Chattahoochee I had a great deal of trouble with the negroes; at least thirty of them on the road in custody of the sheriff, taken for an unjust demand. I felt very much like fighting and turned them back, and succeeded, at least for the present, in staying the ravages of the harpies of the law. Don't mention these things when you write.

Mr. Petigru always spoke of Mrs. Carson, the mother-in-law, as the "dowager." Mrs. Carson lived in a fine old three story residence at the northwest corner of Orange and Tradd streets. From the *News and Courier*, July 6, 1885, is extracted: It was built of black cypress and one of the best houses in Charleston more than a century ago. The lot occupied about half the block on Tradd street. It was the property of John Stuart, the Indian agent of his Majesty in the Southern provinces. Here was born his son, General Sir John Stuart, who afterwards dis-

tinguished himself by defeating the French troops in Calabria, and was knighted for his gallantry. The Beaufort family of Stuarts are descended from a brother of John Stuart.

The house came into the possession of James Carson in 1805, and years afterwards it was known as "the headquarters of the Corner Club," a coterie of old ladies who were mostly widows, whist-players, tea-drinkers, and talkers.

TO MRS. JANE PETIGRU NORTH

Charleston, 23d March, 1843.

My dear Jane:

Our poor friend Dr. North is to be buried at 5 this afternoon. His death was surprisingly sudden. In my last interview with him (which was at Gray's) he was more serious than usual, but I attributed it to the business on which we met, which was the sale of Gen. Hamilton's plantation, in which he was interested to the extent of 20,000 dollars, Mrs. North's money, which the Gen. borrowed. He has left no will. This is a hardship to poor Emily, who is quite unprovided for. I had great doubts after poor Thurston's death, whether we ought not to return to Mrs. Thurston the 900 dollars, that he gave to the girls and which is in my name as Trustee. But I did not propose it then, on the ground that the Doctor would make it up to her. As that expectation has failed, I do not doubt my sister, that you will concur with me in thinking that the best thing I can do is to transfer those shares which have never been touched and which are the proceeds of this gift to his family. * * *

So is life checkered—today a funeral and this day week a wedding.* It is time to go to the funeral and I will close this after my return. The relations are to meet at the church. There never was more sympathy evinced by the public than they feel for the Doctor. The number of his patients assembled in Archdale Street to pay the last tribute to his memory, was beyond what I expected, and one would have thought that the coloured people felt that they had lost a friend from the concourse that was there. Everybody speaks of his amenity, his easy, agreeable manners and the freedom from the least disposition to wound anybody's self love. In personal popularity, he has probably not left his equal in the whole State. * * *

My new vow is to dine at the office, and it is a fact I make my dinner on herring, some salad and rice. Sometimes (indeed today) I break through the rules by spinage with egg, and I have a bit of roast on Sunday. It is the first time I have

*Of his daughter Susan.

set about keeping Lent and I think I will hereafter adhere to it.
 Love to Mary and little Louise and am dear Jane,
 YOUR BROTHER.

On April 3d, 1843, the following notice appeared in the *Charleston Courier*:

Married on Thursday, 30th of March, by the Reverend Paul Trapier—Henry C. King to Susan, youngest daughter of James L. Petigru, Esq.

Henry C. King was the third son of Mr. Petigru's friend Judge Mitchell King. After being educated in Germany he read law in the office of Mr. Petigru and in 1851 was taken into the firm. He was a man more noted for his manliness, kindness of heart and geniality than for ambition to shine in his profession, being overshadowed by the brilliancy of his partner. He was an extremely good lawyer, but seldom appeared in court, and devoted himself to the details of the office. Many of the students used to say that they learned much more law from him than they ever did from Mr. Petigru. He was killed while in command of his company at the battle of Secessionville, on James Island.

TO MRS. JANE PETIGRU NORTH

April 23, 1843.

I have had much trouble in Court. The great case of Jewell & Jewell was to be tried and with a heavy heart I entered into a cause in the justice of which I have full confidence and scarcely a hope of success. Things went on worse and worse till I came to the resolution to take a non-suit and commence again in the State Court. But it made me sick and I believe I suffered for a time more by losing the case than I did by losing all I was worth, something over a year ago. * * * Mr. Legaré is here on a short visit, and if there is any change in him it is for the better. He came into my office yesterday just as I had received a letter from the new collector of Savannah, Colonel Myers, telling me he would remove "John Postell because he was a Whig." I showed the letter to him and he immediately wrote not only to the collector, but to the Secretary of the Treasury in terms of earnestness which I think will save poor John from the uplifted axe. I think when Ma comes to hear of this trait she will find Mr. Legaré very much raised in her estimation.

TO SUSAN PETIGRU KING

Columbia, 11 May, 1843.

I believe you are in George Street dear Sue, because that was

your intention and besides it is told me by Mr. King, and I hope your good behaviour will be equal to the kind reception which your allies have given you. I have often said that I should be as much chagrined to turn a bad wife out of my nursery, as to send a student from the office to be rejected. But it is not to be supposed that my feelings are expressed by the comparison. When I consider what a sweet child you were, so docile, so gentle and so lively, as to get the imputation of being Pa's pet, I can not doubt that your better feelings will resume the ascendant and that you will place your love of distinction upon the doing of what is right. If one is to be proud of any thing, it should be of self control, and of acting well. Even if one had no instinctive love of excellence, and was to form one's behaviour with reference only to the enjoyment of the greatest degree of satisfaction, it would be one's interest to consult in the first place the happiness of those who are influenced by one's way of conducting. The proof of this is seen in the effect, which politeness has on those who are attentive to its rules. For politeness is nothing more than habitual consideration for the feelings of those we converse with and the making it a rule never to give ourselves the preference. Yet every one may see that those persons, whose good breeding leads them to consult the feelings of others, enjoy far more consideration than if they showed by their manners that their object was to gratify themselves. And that which is true in the lesser morals, is also true in the great virtues. For, as they that give themselves the preference, are most apt to be slighted, so, those who do not cultivate the virtues of justice and benevolence, can not enjoy their own minds in peace. The things, which make one worthy of the esteem of others are the same which secure to us our own esteem, without which life can scarcely be tolerable. The instances which come under our own eyes of persons who, after tormenting others, become like poor Mrs. McRee, their own executioners and go mad from sheer ill nature and peevishness, should speak a terrible warning to all that are sensible of any infirmity of temper. I confess my dear Sue, that I was grieved when I heard you some days ago, under the influence of a slight vexation, express pleasure in the prospect of giving poor Anne Deas as much trouble as you could in the alterations of the dress which displeased you. I had not the opportunity then of letting you know the painful impression this made on me, and tho' she is a humble individual and I dare say you did not in fact use your power to annoy her, my affection was wounded by a momentary display of a feeling that rendered you less worthy of esteem. Perhaps the homily is too long, but I would rather say many words after the occasion of offense is past, than run the risk of irritating the ebullition that I regretted. I have just got a letter from your mother. And oh, such a letter! Sally Ford comes in for her full share, because

unfortunately, I wrote while she was in the house, that we would miss her when she went away. I came here sick and was so a week, but I am well now. It is rather an idle life that we are leading here and unprofitable. The Dowager has just written to me that she will be here on Saturday, and stay till Monday. If green trees and trim gardens make town life agreeable, Columbia has a fair claim to the friendship of its visitors. Indeed, I think it, in spite of all college associations, a very pretty place; at the same time one must confess it is rather a dull one. Our friend Nathan Davis is here a practitioner of the law, and as it is said, an admirer of Miss Kate Hampton, but, from what I heard at Mr. Hampton's, where I spent last Sunday, I am rather of opinion that the Reciprocity is all on one side. Adieu dear Sue, my parental salutations attend on you and Henry.

YOUR FATHER.

P. S.—Your watch has done marvelously well. Till yesterday it went like a soldier on drill. At present it has taken a start and is a full hour ahead of every watch in town. I don't think I will be home for a week.

ORATION AT FORT MOULTRIE, SULLIVAN'S ISLAND, JUNE 28, 1844

From the *Charleston Courier*, July 4, 1844.

History is justly entitled to the first place in the list of human sciences. The future is unknown, and the present bounded by the very narrow circle of our senses; but the past is an immense field, where every faculty finds employment, and from which both old and young obtain the instruction by which reason is invigorated and judgement is matured. Happy are they who can profit by the experience of others—happy are the people who can appeal to their own history for examples of virtue and models of imitation. Nor is every people so distinguished. For when we look back to the beginning of history, some few ages stand out in bold relief; but far the greater part of the past, undistinguished by the broad expanse, is hid from our view by a veil as deep as that which hangs over futurity. It is not everywhere, nor in every age that men have risen to the distinction of furnishing to after times an incentive to virtue in the honor connected with their names. But to a people who possess a history illustrated by the virtues of their ancestors, no duty can be more agreeable than the preservation of their ancestral fame. In all ages pilgrims have repaired with pious zeal to the cradle of religion and have felt their faith confirmed, and their hearts warmed and purified by the contemplation of scenes and objects connected with sacred history.

Nor is it less natural to mingle the sentiments of patriotism

with those of reverence and admiration, and to recur with a fond pride to the times and places rendered memorable by the toils or the triumphs of our countrymen. Such is the sentiment which leads the inhabitants of Sullivan's Island to celebrate this day. Nor is the ground on which we stand devoid of the interest belonging to historical associations. For we tread the scene where a great action passed away—and we breathe the air where Moultrie, sixty-eight years ago, stood to meet the invader on the threshold of his country. Even this barren Isle, scarcely raised above the margin of the sea, with its shore washed by the tides, and its heaps of sand driven by the wind, becomes an object of interest from the associations of this day. And the ground that we survey, little distinguished as it may seem to the eye, crowned by no lofty forests, nor adorned with fields of waving grain, when viewed by the glass of history has more charms for the reflecting mind than many a fertile field. For here, as to a solemn judgment, came the men of Carolina, to submit the cause of freedom to the God of battles; and here, by indulgent heaven, was granted to humanity that victory of native virtue over mercenary discipline, which adds another glorious page to the record of Salamis and Marathon.

Nor is it easy to overrate the importance of this action. It was one of the earliest events of the struggle and had an immense influence on the opinions of men concerning the issue of the controversy. This was, as far as America was concerned, essentially a war of opinion, it was an issue between the people and their rulers—it was a trial between the new world and the old—a question between the natural privileges of men and the prescriptive rights of those who had long controlled their destinies. The nationality of the United States was a new term, and the establishment of a popular government was a work that had no recent examples. Ages had passed away since any successful opposition had been made by popular combination against the discipline and resources of established governments. The name of a republic had almost disappeared from the world, and the pretensions of America to an equality with Europe were till then unheard. The nations of the earth seemed to have settled upon certain principles, embracing a gradation of ranks, as essential to social order, and their governments, by modern improvements in the arts of peace and war, had increased beyond all former example, their power of maintaining order and repressing opposition. The great powers of England, France and Spain had divided the new world among them, and ruled over America by the general acquiescence of mankind. To disturb received opinions, to deny the throne, or to question the right of European ascendancy, seemed not only rash, but unnatural. It was at such a time that a voice from America asserting the great principles of justice, broke upon the drowsy ear of the world.

It is not within the scope of this occasion to enter into the controversy between England and the Colonies. And it is less important to do so, as the cause of the quarrel may be easily separated from the circumstances by which it was provoked. There was an inevitable tendency to separation and probably it was not in human prudence to avoid a catastrophe which the progress of events conspired to bring about. England was then, as now, the most vigorous, the most progressive, and the most uniformly successful of the European powers. The spirit of her freedom and enterprise was reflected on her colonies; and they had advanced in prosperity and civilization beyond the example of any dependent people. But these circumstances, however calculated to mislead a superficial observer, as promising a lasting connection between the metropolis and the colony, were in fact so many causes of an approaching rupture. The prosperity of the colonies, as it fitted them then for a separate nationality, rendered their dependence on a transatlantic power every day more and more inadequate to their wants. It may well be doubted whether any regulations of policy could have reconciled the connection much longer with the true interests of either party. The parallel between the State and the individual, in this, as in so many other cases, suggests an instructive lesson. The same law by which the individual passes from youth to manhood, terminates the period of parental control. And the Colony, by the development of the resources of a nation, is compelled by the law of self-defense to the assumption of national rights. It was not merely that the arrogance or injustice of a government, at the distance of three thousand miles, provoked or justified resistance, but that no connection could be maintained unless upon terms of subordination; and that such subordination was no longer in conformity with the true relations between the countries. The division of the earth into separate independent communities is essential to the plan of Providence in the constitution of human society. It is impossible for the world to be united under one government, and every country must be responsible for its own institutions. The subjection of any country to the authority of strangers, is a yoke which none but the weak will bear. It was a noble feeling which the people of America partook with all generous minds, when they determined to assume an independent station with full knowledge of all the burthens and sacrifices that such a measure implies. And the self devotion and gallantry, with which the men of Carolina lined the walls of Fort Moultrie were an earnest of the sincerity of their professions, and a pledge of their fitness for freedom. Like that of Bunker Hill, this action preceded the formal declaration of independence, and like it too in the result, the courage and constancy of the sons of America were thereby proved by the din of battle to be equal to their pretensions; and the repulse

of Sir Peter Parker's Squadron, by an inexperienced garrison, before a feeble fort, united the men of Massachusetts and Carolina by the baptism of fire, in the holy name of country, men and brothers. Of the particulars that combined to render this triumph of our arms a just source of pride, it is unnecessary to speak, for they are as familiar to us as the lessons of infancy. Nor is there any fear that the heroic daring of the chief, who scorned the cautious advice of abandoning a position deemed untenable, and resolved to defend the fort or be buried in its ruins, will be lost upon the youth of our country or that the gallantry of the men who so nobly seconded his zeal will be allowed to fade from their recollections.

Nor is it necessary to dwell on the long series of seven bloody years, through which the country passed, before the consummation of the patriot's hope was crowned by independence. It is not for lessons in the strategy of armies or the arts of war that the history of this eventful period should be read. Other nations have known how to set armies in the field, and by what means to shake the defense of cities, or overwhelm the destined victim with mingled storm of battle. But the history of the American war furnishes other lessons, replete with knowledge more consoling to mankind. From the records of that period humanity may learn confidence, and patriots trust in the native virtue of the people.

The trials through which the people of America had to pass were sharp and painful. Of these trials her soldiers bore the brunt. The hardships of war were aggravated by the want of magazines, of forts, of ships, of regular commissariats, and all the material which enters into the exercise of the soldier's calling.

Nor was it only of inadequate supplies that they had to complain, but all these defects were rendered more intolerable by a civil organization too imperfect to direct efficiently the operations of war. Scanty means were rendered still more inadequate by the weakness of the civil government. Against these and such evils they had one compensation in the Spirit of the American people. Nor even did that element of power more nobly vindicate its energy in asserting the superiority of mind over matter. By public spirit the States were held together, and the people suffered without despair. Huge armaments and ponderous trains of artillery, with obedient hosts of mercenaries, may overrun a country and spread desolation far and wide; and like Xerxes, the master of myriads, glittering in the panoply of war may deem his hosts invincible, but like all material agents their sphere is limited; they feel the wear and tear of time, they are exposed to the casualties of fortune, and by the ocean waves or winter frosts they are scattered or dispersed. The armies of England were numerous and well appointed, and fell upon the several points of attack as easy prey. But the indomitable

spirit of the people was progressive and indestructible. New recruits supplied the waste of war. Years rolled on and the clang of arms that had roused the sire and called him from his plow, still rang in the ears of a new generation, ready and willing to swell the same martial din. Yorktown saw the pride of the invader humbled, and the final triumph of the American arms was followed by the acknowledgment of the Independence of the United States.

But military fame constitutes the least part of the honor due to the soldiers of America. War, after all, is the reign of violence and violence is the scourge of the human race. But it is the peculiar glory of that army which bore the brunt of this sharp contest, that when the war was over, they laid aside with the sword the love of war—and with peace resumed the peaceful arts in the retirement of private life. Honored in all times be that Patriot soldiery who served a bleeding country in all its privations, and bore the delay even of the modest recompense due to their toils, with the fortitude of the soldier and the modesty of the citizen. What are the boasted triumphs of those who have dyed the earth in blood, compared with the fame of that army, which after a successful war, laid down their arms before their own claims were satisfied? That a stable government, with the resources arising from a perfect command of the civil force, should raise and disband troops at their pleasure, is the common privilege of a well governed State. But this was a Revolutionary army, enlisted, not in the name of obedience, but of resistance to the established Authority. An army which had made all the sacrifices of a hard service without the emoluments of the camp—which had felt the steel of the enemy without feeling the cares of a Government intent on the supply of their wants. They had by their arms, set up the civil power that now disposed of their claims to justice. Every selfish feeling prompted them to take justice into their own hands, and the most plausible arguments were at hand to excuse the step. They were organized, and the weakness of the Government required an infusion of energy. The State stood in need of reformation and their wrongs cried aloud for justice. How easy in such circumstances to cover ambitious designs under the cloak of the public good. To their everlasting honor they resisted the temptation and imposed on themselves a forbearance without example. With arms in their hands, they submitted to the civil authority, as men who had no weapons but persuasion. So rare an instance of duty has deservedly raised the character of military men and made them, in this country, objects, not of jealousy, but of popular regard. But such moderation could only be expected from men under the most enlightened influence, and is accounted for by the preeminent character of their leader. They trusted in Washington and set the seal to the gratitude of

posterity, by yielding an implicit obedience to his counsel and example. A nation may well be proud of military fame; but the character of Washington has added to the estimation of mankind, and forms part of the inheritance of the human race. We may boast of the valor of our troops, but submission to the law and respect for the liberties of their country, are the crowning glory of the patriot army that fought the battle of independence. They laid no sacrilegious hand upon the arc of liberty, and showed themselves formidable only to the enemies of their country.

The example of the army was well calculated to increase the joy with which the return of peace was hailed, and to inspire a hope that the reign of justice had commenced. But peace had its dangers; the authority of the law was inadequate to the preservation of the public defence; and the Government was neither able to obtain nor to enforce justice. The task was still incomplete, and many doubts and fears were still to be overcome before the fair temple of beauty could be reared upon the soil of Columbia. Hitherto, Liberty was resistance, and her cause was the law of the strongest. But now Liberty was to be made an institution, and freedom reconciled with power. And although, to the generality of mankind, dazzled with show, and inattentive to the silent causes, which, in the moral as in the natural world, bring about the order and harmony of things, the organization of a community may seem to be easy, yet to the reasoning mind no enterprise is so arduous. Too long, indeed, have men been accustomed to pay unbounded homage to those abilities that are most conspicuous in the service of selfish ambition. But when civilization shall have more widely diffused its benignant sway, they will learn to reserve their highest praise for those whose labors are most eminently conducive to the happiness of mankind. Who will compare the bloody laurels of the conqueror with the mild lustre that surrounds the brow of the magistrate, who gives law to mankind or hesitate to postpone the boisterous orator, or keen politician to the simple and modest student of nature, who has so recently enriched the human family with the present of the magnetic telegraph? What does it signify that men have fought and bled, and signalized the bloody arena of their toils by great exhibitions of moral or physical strength, if the result has been barren of any real good or solid benefit to society? But they who have developed the resources of their country, who have increased the amount of rational and innocent enjoyment or diminished the evils of human life, are justly hailed as the benefactors and fathers of mankind. And who so justly entitled to this distinction as those who have bestowed on their country by wise institutions, the permanent blessings of justice? In this class the great men of America are entitled to distinguished place, and we may celebrate this anniversary not merely

with the honors due to a brilliant feat of arms, but as the opening of a new and better state of things. For when the toils of war were over, the American people dedicated the liberty which they had won to the noble purpose of establishing among them for generations the blessings of freedom, justice and equality of rights. By this result the true value of liberty is known, and by the success of the Federal Constitution the real amount of good obtained by American Independence must in the end be estimated. For liberty is but a name, where the weak are not protected against the strong, nor justice armed with the power of defending the innocent, and punishing the guilty—and it is here that experience warns us of the rocks on which men in pursuit of liberty have so often split, and calls on us to admire and maintain the work of the Authors of the Constitution. To reconcile the greatest degree of freedom with the perfect security of private and natural rights, has baffled the skill of the wisest of mankind. For who shall control where all are equal, or how shall the people restrain the will of the people?

To accomplish a work to which the wise might look with despair; to give to the world an example of a Republic that might recall the glories of that proud name in ancient times without admitting the elements of discord which so often shook the frame of those celebrated states; to emulate the vigor of those ancient commonwealths without impairing the safety and sanctity of private rights, so essential to modern civilization—these were the generous aspirations of the men of the revolution, and the consummation of that great struggle, to the memory of which we dedicate this day.

To build up a system on the principles of natural justice might seem to be an easy task—but like the imitation of nature, it requires the highest degree of skill and most elaborate workmanship. To this task the fathers of American Liberty brought the result of all their experience and long reflection upon the eventful scenes through which they had passed. In the union of the States they found a principle that answered to their wants. On that principle they rested their plan. On the Union of the States they laid the foundation of national defence and the guards of civil liberty, making it at once the means of developing all the resources of the nation and of restraining the exercise of the civil force. They made a partition of Sovereignty, and assigned limits to the competency of the several governments between which it is divided. As to the best distribution of power between the States and the General Government—and the degree in which control should be exercised by either, opinions may differ, and the distinction forms a line by which parties will naturally divide. But that such a partition should take place, and that the principle is admirably adapted to the maintenance of that equilibrium, ever so essential in the State,

between the power of government and the liberty of those who are governed, can be denied by no one who has comprehended the subject. Nor should we cease to express our gratitude and to adore the goodness of Providence, which placed in our hands an instrument of peace and order, which human ingenuity could not have devised. For unless the States had existed in fact, it would have been impossible to create them for the purpose. Had the Mother Country looked to the establishment of empires and kingdoms, and British America presented a unit of government like Canada or Mexico, no human power by artificial lines, or positive rules, could have made communities with the attributes of sovereign and independent states where none rested. And if the several states had retained their separate nationality no constitution would have been an effectual guard against violations of right. In such states there could be no barrier between a dominant majority and the object which they mean to effect. A constitution is in fact intended to restrain the majority; but as the people are sovereign and equal, the will of the majority must be paramount, and no constitution can transcend the sovereign power from which it emanates: but under the control of the Federal Constitution there is no absolute sovereignty, and neither the whole people nor the people of any particular State have more than a limited dominion. By this union of the States the independence of America was crowned with liberty and order and long may it be impressed on the mind of every citizen that the preservation of the union is the life of liberty. Nor can any man give a test of his sentiments as a citizen and lover of freedom better than this, that he who loves the union *really* loves his country.

But does that country deserve our love? Is there in the result enough to justify the pains, the cares, the sacrifices made, and the blood poured out for the prize of American independence? Let this question be answered not according to the dictates of an idle vanity, but by a sober and dispassionate consideration of the circumstances on which that answer should depend. That form of government, which in the highest degree develops the virtues and talents of society, and conduces most to the advancement of its members as a people, in all that gives dignity and elevation of character to the individual in knowledge, in morals, in the arts of peace and the virtues that ensure success in war, best fulfils the order and design of Providence in the organization of society. And for a government that fulfils these conditions no sacrifice is too great. May we not venture with a modest confidence to submit to this test the pretensions of our country?

Far from us be the sordid and ignoble thought that self-indulgence is the end and aim of liberty. It is in the generous pursuit of all that is good and great, in improving the earth and in converting nature to the service of man, in cherishing justice,

and respecting the laws, the human and divine, that a people must, like the individual, employ their liberty to know its value.

Such was he, our countryman, who, alas, too early for us, but not for his fame, closed, but a year ago this scene of mortal life. No more shall we kindle in the glow which so often warmed the heart, when some great theme was touched by his genius, in the forum or the senate. And now on this solemn day when we recall the illustrious deeds of Moultrie, Pinckney and Marion, let us not begrudge a tear to the memory of Legaré, who illustrated in his life, that the republic is the nurse of genius; who loved his country with the ardor that republics only can inspire, and who by his eloquence, could so well portray the immense value of the gifts conferred upon us by the liberty and union of America.

TO DANIEL PETIGRU

Charleston, 10th July, 1843.

* * * The rumor, that I was offered the place of Attorney General, is groundless. It would have been very improper, for I am not of Mr. Tyler's party, and would not accept the place, even if my friends were in power, as it is too late in the day to be pleased with an office, that would be a proper subject of ambition to a much younger man. Tho' it seems very wonderful that Sue does not write to you, it is a wonder that will decrease as you grow older, and when you have improved your understanding with 30 years of study and reflexion, you will feel more gratitude for being remembered sometimes, than surprise at finding of how little importance an individual is. We have lost Mr. Lowndes, who died on the 8th, after fulfilling his duties to all the world, and having attained the age of 78. You did not enclose the tailor's bill as you seemed to intend to do, and I don't send the money by this mail, because it is not convenient, but will do so in good time. I suppose his prices are adapted to a little delay. Sue has been with us on the Island since we moved, which was the 29th ult. * * *

When William C. Preston returned from Washington (after his defeat for the United States Senate) the very small but highly respectable Whig party in Charleston (of which Mr. Petigru and Judge Bryan were the head) determined to receive him with applause. Mr. Preston had been elected to the Senate as a Nullifier and he returned as a Henry Clay Whig. The reception given him was helped out by Democrats. Mr. Pope tells the story of the occasion: The meeting was held at what was then known as the old theatre in Broad Street. The speakers on the

occasion were Mr. Petigru, Mr. Legaré and Mr. Preston. It was equivalent to a liberal education and an event in one's life. Mr. Preston spoke first and his speech was an elegant indication of his political course.

"Mr. Legaré, who was expecting to be called into Mr. Tyler's cabinet, spoke second, and it goes without saying that this speech was superbly elegant. Mr. Petigru spoke last and he beat them both. His wit, humor and wealth of anecdotes bore off the palm. I remember after more than forty years the glittering shaft that he hurled at Mr. Calhoun, who on his way to Washington a short time before had received a grand welcome and ovation during his stay in the city. I remember his utterance word for word: 'This dear old State of ours reminds me of a refined, rich, fat, lazy old planter who took his wine at dinner and his nap in the afternoon. He employed an overseer of unsurpassed abilities and turned over the management of the large estates to him. One morning the planter woke up and found the overseer master of the plantation.' Thus he proceeded to the end amid uproars of laughter and rounds of applause."

CHAPTER XXVII

1844

BALL IN HONOR OF MR. CLAY; ELECTION OF GOVERNOR
AIKEN; MR. HOAR

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, 2d April, 1844.

My dear Jane:

* * * After we had a management agreed on for a ball at Easter it turned out that Mr. Clay would be here this week, and to my surprise they announced Thursday evening for the festival. I endeavored on Saturday to change their determination, but it really put me in mind of the nullifiers, when the popular indignation exploded against the unjust and tyrannical imposition on their liberties was named. The clergy launched their anathema against the entertainment on Sunday, and the Bishop has addressed to his people an allocution on the occasion. As usual, the opposition has inflamed the friends of the ball, Whigs and Democrats, to the highest degree and no doubt it will be the most popular ball ever given in the city since Gen. Lafayette. The opposition is nearly as strong among the Episcopalians as anybody else; so I judge from W. B. Pringle's conversation, who tells me that he considers this only another attempt of the clergy to tyrannize over the laity. I don't think so myself, and tell them that there is a great difference between rigid obedience and gross contempt. For there could be no greater contempt of discipline of the Church than the converting of a day of mourning into one of revelry and feasting. Robertson and Mills as well as myself retired from the connexion with the ball, and no others. * * *

YOUR BROTHER.

P. S.—This is written with many interruptions as you may see by the blots. Between friends a blotted letter is a mark of confidence, so says one of the greatest masters of the epistolary style in his journal to Stella.

TO MRS. JANE PETIGRU NORTH

July 8, 1844.

* * * I suppose you have seen my oration in the *Courier*—the first two impressions were badly printed—the last which

was in the paper of the 4th, is correctly done. They have paid me a good many compliments about it here, but the highest was that of my old friend, Dr. Palmer,* who characterized it as a judicious discourse, that with a little alteration would make a capital sermon.

TO CAPTAIN THOMAS PETIGRU

September 30, 1844.

* * * Mr. Calhoun is here. He came this morning. I have not been to see him and don't intend. It is said he brings encouragement to his friends and tells them Polk will be elected. The contest in Georgia will be very close. I hope our friends will succeed, but they will pass through a narrow place if they do.

TO MRS. JANE PETIGRU NORTH

November 10, 1844.

We are in the midst of the election. The most contradictory reports come every day, and will do so probably for two or three days more, concerning New York. Whigs and Democrats are both dejected. It is said large sums are bet and the bettors will enjoy all the excitement of suspense. * * * The excitement is intense, and well it may be, for in the whole history of the country the President's chair was never disputed in such a regular stand-up fight before.

TO MRS. JANE PETIGRU NORTH

December 3, 1844.

I told Mrs. Smith† that I understood her brother (Sully, the artist) was going to Tennessee to take a likeness of Mrs. Polk. She had not heard of it. He had written to her, she said, that he was at least out of the turmoil of the election. She asked, "He says he is a Whig. Do tell me what that is?" I explained as well as I could and she then declared that she believed that she was one too.

TO CAPTAIN THOMAS PETIGRU

December 16, 1844.

I think we are out of luck for candidates. Our friend, Allston, got but twenty-four votes, yet they stuck to him through four ballots; Buchanan had thirty-one. His friends divided between

*Dr. Benjamin Morgan Palmer, a great divine of his day. Pastor of the *Circular or Congregational Church*, Charleston, S. C., for twenty years.

†She was the daughter of Sully the actor, and eloped with Middleton Smith.

Aiken and Seabrook* who were the highest candidates. But I suppose you have seen the papers by this time. Seabrook is excessively mortified. He came here breathing revenge; says it was carried by corruption. That seems to be in some measure believed. What is certain is that Aiken is making all sorts of expense. He has emptied every cellar in Columbia and sent to town for more champagne * * * and it is supposed he will make King street run with wine when he comes to town.

There is a capital story about Boyce, who was persuading Haigler, the St. Matthew's member, to vote for Aiken. Haigler thought he ought to support the agricultural interests and Seabrook was the planters' candidate, but Boyce told him that true Seabrook was a learned man and wrote a great deal about planting and that it was all very fine, but that he was a theatrical planter. Everybody says that it was truth, and Seabrook himself tells it and does not see that they laugh at Boyce and him too.

The proceedings in regard to Mr. Hoar† are very scandalous. Nothing is so fatal as to make the plea of necessity too cheap. Necessity has no law; therefore, against all law they drive the old man out of the State. But when you ask for the evidence, of necessity it is plain that it means nothing but popular clamour. The idea that the questioning of the constitutionality of those laws about negroes coming into the State is dangerous to public tranquility is a mere figment. Only last May I had one of the provisions of that same law declared unconstitutional in Mrs. Kohne's case. If the Association was to take it in dudgeon they might have said it was necessary to have me deported, with as much reason, and Calhoun's miserable homilies on the advantages of slavery have just about the same significance. Aiken's proclamation of a Thanksgiving on the 9th is for the Jews, whom Hammond omitted in his proclamation.

*Whitmarsh Benjamin Seabrook, Governor, 1848.

†On account of the agitation of the abolitionists, the legislature of South Carolina early in 1844 passed the DeTreville resolution which forbid the entrance of free negroes into South Carolina. A vessel from Boston arrived at Charleston; the steward and cook being free negroes were immediately put in prison;—Mr. Sherman Hoar, a lawyer of Boston, was sent by the Government of Massachusetts to Charleston to protect their rights. A riot ensued which was quieted by the interference of some of the more respectable citizens.—*Charleston Courier*, Dec. 5, 1844.

CHAPTER XXVIII

1845

MESMERISM; LIFE MASK; WHITE SULPHUR SPRINGS; MR. CLAY;
PHILADELPHIA; NEW YORK

TO MRS. JANE PETIGRU NORTH

January 27th, 1845.

* * * The case of the Rice Hope sale is to be argued to-morrow. I do not engage in the argument, but have engaged Mr. Preston to come down here for that purpose. I don't think there is any doubt of the result.

TO MRS. JANE PETIGRU NORTH

May 20th, 1845.

* * * I have told the Captain [his brother Tom] the great news that the sale of Rice Hope is set aside, and I am relieved of the oppressive burthen of paying, or rather of never paying, those two bonds of Mrs. Timothy and Barbara Barquet, which were to come upon me if the sale made in January, 1844, had stood. It is strange that there should ever have been a doubt on the subject, viz: That it was unlawful for Mr. Memminger and Mr. Gourdin to agree not to bid against one another and to divide the gain that might be made by that means among their clients, to the injury of that part of the General's creditors that were not in the secret. But after Chancellor Harper had affirmed the sale and I had got Mr. Preston to argue the case and the Court of Appeals had not only hesitated, but showed a strong tendency to confirm the decree, it was time to be alarmed. Thank God it is over and I breathe free again.

From the foregoing it is inferred that Mr. Petigru must have indorsed bonds of Gen. Hamilton's to Mr. Barquet and that Rice Hope was part of his assets.

TO MRS. JANE PETIGRU NORTH

May 20, 1845.

Sister [his wife] is the eighth wonder of the world. She is getting well. She walks up and down stairs, goes out every afternoon to ride and does not talk of sickness. Yet, after all,

it seems to me that she is indebted to the force of imagination for a great part of the virtue of mesmerism. When it comes to be understood, and therefore no longer creates awe and wonder, the number of cures effected by its agency, if I am right, will very much diminish. * * * Tell the Captain that he ought by no means to suffer these new sloops of war to be fitted out and given to younger officers. I hope he will show a due tenacity for his rights according to his rank in the navy. Though it would sadden my visit to Abbeville if he is not there, yet better forego pleasure than honor. * * * I have been sleepy all day, and before you are done this letter you may find that it is catching.

TO MRS. JANE PETIGRU NORTH

Charleston, 27th May, 1845.

My dear Jane:

Yours of the 24th was very welcome, and I enjoyed again the pleasure of success in your lively feelings of gratulation. I believe the case has made no little noise. In the *Greenville Mountaineer* an account of it is given in glowing terms by a correspondent of the editor, which would have been read with pleasure but for a singular typographical blunder: Lord *Cowden* instead of Lord Camden. The Captain is right about the Hamiltons; they are quite delighted with the judgment, but he does them injustice in supposing that it is on account of their design to emigrate to Texas. On the contrary, they are still anxious to own the place, but they could not hope to do so with any satisfaction, as long as it was connected with an act of injustice to Mr. Arthur Middleton and me. Such injustice would have partaken of the disgrace of treachery. Thus power, while it renders men callous to some reproaches of conscience, keeps them alive to other moral impressions, when they involve the sentiment of fidelity to a friend. Poor Barquet and Timothy might have whistled for their money if they had had no other dependence than their debtor's sense of legal or moral obligation to pay them. * * *

Sister continues an example of the maxim that while there is life there is hope. She walks up and down the stairs like a kid; the only drawback to this pleasure is that she has an uncontrollable passion to talk to everybody about mesmerism. I presume that the shopkeepers in King Street must be edified by it, as she takes her rides regularly in that direction.

Poor John Huger, son of John, died two days ago; he is the greatest loss the family could have met with, being a man of business and activity with good judgment. His poor old father is broken up by it. Mr. Ogelby* is going to leave us after 15

*The British Consul.

years' residence. I will write to our Irish cousin by him, but I fear cousin Margaret has paid the debt of nature; it is 5 years since we have heard from her. We will move to the Island in about a fortnight. The weather still continues very dry and Carson's crop is as good as lost. This is doubly unfortunate, because our poor Caroline ought to go to somewhere besides the Island: the glare of that place is the worst thing imaginable for her eyes. Sue has been a constant and considerate friend in these her protracted troubles, and Martha Kinloch is now in town and devotes a great deal of her time to her.

Tell the Captain I have not seen the Commodore but will write to him after I have. This letter is begun wrong, and of course will be good for nothing; it is a pity, because it will be charged with the high duties now paid on letters. After 1st June it will make less difference, because a dull letter will cost but little. I am glad to hear that you have a promise of a crop, and I hope I shall be able to stroll with you over the same hills and be interested again in the same small interests before the summer has left us. The weather has been surprisingly cool for a few days. We were expecting rain but the cold came in place of it. I have heard nothing from Capt. Bowman yet of our stone foundation. Adieu, my dear sister, I embrace Mary and the girls and am,

YOUR AFFECTIONATE BROTHER.

TO MRS. JANE PETIGRU NORTH

July 5, 1845.

I am ashamed that I send nothing by them [Guilfoyle and Shannon] except this and a plaster cast of the head of a person you know.* It was done by the same person who went up lately to take Mr. Calhoun's and Mr. McDuffie's. It was engaged by the young men of the bar, who have ordered a number of copies. The one presented to me is what I send by Guilfoyle as an article of ornament in the furniture of Badwell.

On account of the illness of his daughter Caroline (Mrs. Carson), Petigru threw aside all his business and by the advice of the doctors took her and her infant and nurse to the Springs in Virginia. The route followed was by steam boat to Wilmington, North Carolina, then by railroad to Charlottesville and the remainder of the journey by stage coach. The letters following

*The bust referred to is a very good likeness of him and continued to be "an article of ornament in the furniture of Badwell." It was among the first artistic efforts of the plasterer Clarke Mills, who a few years later became celebrated as the artist who designed the equestrian statue of General Jackson at Washington.

describe the life at the Springs and the various people that he met on the journey.

TO MRS. SUSAN PETIGRU KING

White Sulphur, 13 August, 1845.

My dear Sue:

True to our appointment, we took the coach on Monday; having engaged the whole of it and stipulated for the liberty of traveling as we pleased. It was with some feeling of sorrow, that we quit the Warm Springs, where we had become a sort of inmates; and a sort of dread of the journey accompanied us on the road. But tho' Caroline sometimes confessed to a sense of pain and was much fatigued the first day before we finished our stage of 26 miles, we made out on the whole very well. As the coach was very large, she lay on the back seat, and contrary to the ordinary rule, that passengers hurry the driver, we were calling to him to drive gently and not go too fast. It was 10 o'clock yesterday when we arrived. The sight of this place is brilliant on emerging from the Allegheny. The rows of cottages, many very handsome, gravelled walks, green lawns and smooth terraces, strike the eye with pleasure, enhanced by novelty and surprise. Nearly all this is new to me, for almost everything has been changed since 1833, when I was here before. The chief superintendent received us at the door and learning who we were, directed the driver to drive into the enclosure, to the door of the cottage assigned to us. It is the same that Mr. Jerome Bonaparte had vacated that morning, and there we found at the steps Dr. Edward North and Mrs. Matt Singleton. Caroline was soon ushered into her room, and before she was well in bed, Mrs. Bull Pringle and Mrs. Singleton had come to see her. Martha remained with her till I went to dinner, and it was a sight to see upwards of 500 people dining together. Of course anything like a banquet is out of the question as well as any sensible notion of comfort, in such a way of eating. Mrs. Singleton had engaged a maid for Caroline according to promise, and then the servants of the establishment, who are assigned to their particular cottages or rooms, brought Caroline her dinner. But Mrs. Singleton was not satisfied that she had anything good enough and sent her a pheasant very nicely dressed by her own cook. Then after dinner came little Ashby and Mary McDuffie and Mrs. Gamage, and Mrs. Governor Gilmer and Mattie again, so that I was afraid she would talk too much and have her attention fatigued. I was glad to take Mrs. Gamage off to tea as the bell rang; after tea, I accompanied Mrs. Gamage to Mrs. Dupont's. You will be glad to hear that your Godmother is stirring but sorry when I tell you that she has been sick here, and looks very poorly still.

YOUR AFFECTIONATE FATHER.

TO MRS. SUSAN PETIGRU KING

White Sulphur, 29 August, 1845.

My dear Sue:

It is Friday and a letter today is your due, and it is also due to you to say that your despatch of the 15th was by no means to be confounded with those careless compositions, that fill the page with words but give no distinct idea to the mind. Quite the contrary; there is in it a detail and selection of circumstances making it as entertaining as a newspaper, so well characterized by Cowper as "a map of busy life." So you may imagine how Caroline and I walk down to the Spring in the morning and evening, she fortified with my walking stick and I carrying the umbrella. You may conceive us attended by little Mary McDuffie, who has taken a great fancy to Caroline and shows it by trying to walk with the same stick. James, the young Adonis, is not so much changed but that you may easily picture to yourself how he looks in the arms of the respectable Stewart, who expects him to be admired and resents the want of admiration as if she was to be the object of it. But I can not give you a notion of Mr. [Andrew] Stevenson, who makes dialogue as if it was for the stage; and of whom, it is enough to those who know how rare it is, to say, that being a great lawyer and a great politician, he never talks a word of law or politics. But he is so kind to us, and encourages us so much by the liking he shows for our conversation, that it is enough to increase one's self-esteem. Mr. and Mrs. [Richard] Singleton appear here in the character of persons giving tone to society. She is not ambitious, but conscious of her duty to Society and fulfilling it well. Mr. Singleton is here a different man entirely from what he is at home. There he is an indefatigable planter and inveterate turfman. Here he is the politest man of the age, scrupulously attentive to his dress and marked in his civility to the ladies. We breakfast and take tea with them every day. For at these occasions they have their own table; the material found by the local government, and the only cause of hesitation is the injustice of monopolizing the seats, which might be filled by a more varied company, and give them the opportunity of displaying a more diffusive hospitality. I have written so much about Mr. [Henry] Clay, that I have only to say that he enquired after the Doctor and made many kind observations about him and aunt Julia. Capt. [John] Tyler and his dynasty moved yesterday to the Sweet Springs.

Our duty to Ma; to the magnanimous youths salutation; I embrace little Adele and am dear Sue, affectionately,

YOUR FATHER.

TO MRS. SUSAN PETIGRU KING

Sweet Springs, 4th September, 1845.

My dear Sue:

You perceive that we are at the Sweet Springs, one of the nicest places in the mountains, and if Ma was here, I think she would enjoy it more than any other scene in our progress. If you ever see my letters to Ma, you will have learned all the important matters contained in our journal down to the beginning of this month. Wednesday was the day for me to write to you in course, but that was the day we had arranged to quit the Springs and I supposed you would rather hear of us after our arrival than before. So having taken a whole coach and appointed 9 o'clock for it to be at the door, we went to spend Tuesday evening with Mrs. Cabell, where Mr. Clay, General Mercer, Gov. [George R.] Gilmer and many other names in Virginia well known, did at the same time repair and were treated to watermelon (a present to Mr. Clay, which came from some friend far off, that had sent them by stage) and ice cream which are not so great a rarity in the mountains. Mrs. Cabell is a very amiable woman, and her cottage very much frequented by friends of herself and husband [William H. Cabell], the President-Judge of Virginia, which is what they would call in Pennsylvania the Chief-Justice. But it is perhaps more on account of their fair daughter than for any other cause, that Mrs. Cabell's cottage is the center of attraction. That daughter is now two-and-thirty and still receives the homage of true Virginians and still consigns, every year, new lovers to despair. Now you will applaud your ready wit because you need no time to discover the reason, but pronounce at once that she is beautiful. You are quite mistaken; she never was and nobody, not even among the great rejected, would probably say he thought she was. You now recollect yourself, feel satisfied that your first judgment was precipitate; men don't think so much of beauty when a proposal is in question, and you now are satisfied that her long reign is owing to another and more efficient cause, for she is very rich. Out again my dear, the poor Judge has nothing but his salary \$2750, and can't resign because he would starve. Equally vain will be your supposition if you suppose she is witty or has the graces of speech. In fact, she is remarkable in no way; makes no effort to shine and does not shine, but dresses, talks and sits like a staid, sedate, imperturbable person. And no doubt in my mind that the secret of her success is to be found in that principle that leads men to take pleasure in a difficulty overcome. (Read Kame's criticism through on Boileau's "L'art poetique," for a full account of it.) It is because she is so hard to please, that all the world are smitten with the desire of pleasing her. But to return to the watermelons: Mrs. Wickham, a dowager with a good jointure,

many years a belle and long at the head of Richmond society, was one of the convives. She was coming to the Sweet Springs, and Mr. Stevenson had advised her to join our party, so it was agreed that the same coach should contain us. With Mary McDuffie and the servant that Caroline had hired at the Springs our party was five; Mrs. Wickham had a big boy, a son of hers, one of that class of animated nature called cubs, and a fat attendant strongly marked with African features, of middle age, called a maid. So that our extra had now a full load and as Mr. Turner, a contemporary at West Point of your Uncle Charles, wished a place, I thought it was as well to make a voyage of it and took him aboard. And now we are fairly under way and have cleared Mrs. Caldwell's gate, when Mrs. Wickham demanded her umbrella. The maid very satisfactorily answered that she put it in the coach, but presently, Mrs. Wickham bethought her that seeing is believing, and would see it. Then commenced a scuffle. The umbrella could not be found and the dowager declared the umbrella indispensable; Cub put in and said he would make out on the outside seat with mine. But before we got to the top of the hill the dowager was out upon the maid and ordered her to get out and get the umbrella. Nobody opened the door and the maid did not stir, but the passion was now at its height and she accompanied her orders to get out with digging at the back and sides of the domestic and amidst their cries the coachman stopped. The dowager declared that it was all the same thing as we had the whole day before us and only 16 miles to go, and the umbrella must supersede everything. Luckily the umbrella, which was all the time under the front seat at the bottom, was now produced by the indignant menial and we got under way once more. Nor did we meet with any accident further, but arrived here at $\frac{1}{2}$ after one, where our friends were very glad to see us, and all looking very well, Mattie being a great deal better than she left the White Sulphur Springs. Our friend the dowager, while our baggage was taken off, changed her mind twice between the choice of rooms in the Hotel or in a cottage; finally, the cottage, which was the first idea, was adopted, and Mr. Stevenson gallantly took his seat beside her, while the coach was driven to her new abode. But he came back crestfallen for the dowager was shocked when shown her room, that he hadn't it in comfortable order, while he affects to consider it as no part of his duty to make up the beds and put things to rights. Our interesting travelling companion reminds me very much of my dear friend Mrs. Neufville, and I am alarmed at the idea of superseding Mr. Stevenson in her good opinion. She has talked of coming into the hotel and taking rooms near us; in that case, I will take care that Caroline shall find it impossible to live in the hotel so far from Mattie. She (Caroline) made her appearance last night in the parlor, and this

morning James is amusing himself with a soda biscuit in his hands, which he carries to his mouth in a business-like way; you may conceive, therefore, that we are not falling back. Judge Huger and Daniel arrived at dinner yesterday. The Judge is marvelous improved and tho' Daniel has an eye tied up, he says that his condition has changed a great deal for the better. * * *

YOUR AFFECTIONATE FATHER.

TO MRS. SUSAN PETIGRU KING

Sweet Springs, 12 September, 1845.

My dear Sue:

My letter to Ma of the 9th which I did hope came safe to hand, put you *à même* of our projected turning to the Red Spring, a modest neighbour of this one. What we said we did, and paid our bill and moved over to Mr. Sampson's by 2 o'clock that day, where we found young Daniel Elliot Huger and Mr. Hutchinson of Hamburg and his pretty wife, and tho' we were not as well lodged as at the Sweet, we were far better fed. But it was not for a nice table that we had made that change, but in the hope of an accelerated pace in the improvement of your sister's looks and strength. But we endured the doom so often found by people not content with doing well. The famous chalybeate bath fed by the Red Spring, which gets its name from a deposit of that colour so rapid as to turn everything in its power into stone, proved inauspicious to us. The bath is not limpid like the Sweet; it is not so spacious, and does not affect the imagination so agreeably. As I did not go into it, I can not speak of its effect on the senses except from report, and in this case, Caroline did not find in the reality any compensation for the want of exterior attractions. That was set down however to the disadvantage of the hour, 5 in the afternoon, when she first went into it. Next morning, the 10th, it was worse and a cold was the consequence, which put a stop to any more bathing there. On Thursday we had been joined by Mr. and Mrs. Lowden, and they proposed a walk to the Sweet Springs (a mile) and Caroline seemed so anxious to join the party, that I could not refuse tho' I thought it hardly right. But we got here very easily and were made welcome by our friends, and I can hardly say we were pressed to stay, for Caroline did not wait for pressing, to declare her disinclination to return. It was soon arranged: instead of the best quarters at the place, which we gave up when we left it on Tuesday, we took very inferior ones and I returned alone to the Red Springs to bring James and the baggage. But the announcement was very disagreeable to the respectable Stewart, who delighted in the improved table of Mr. Sampson, and contemplated with great disgust a return to Mr. Massey's scanty supply of baked meat, and still more penurious

allowance of milk and vegetables. However, cross looks have no effect on James, who concerns himself very little with them and smiles and laughs as usual, and Caroline having carried her point, had no cause to distress herself at the unpopularity of the measure with those who could not prevent it. This morning she took the bath here with great success and repeated it today, with so much comfort to herself, that the effect of the cold is now not thought of.

Saturday, the 13th.

We are to set off at 10 o'clock (it is now $\frac{1}{2}$ past 9) for the White Sulphur again. We go this time with the Singletons. They, to make their arrangements for leaving the mountains, which they make easier at the White Sulphur where they are most at home. We, to drink the waters for a week more. I think Caroline is very much better. The bath here has acted as a remedy for the cold she took at the Red, and if it was not for the want of power of standing, I would almost think she was well again, but, altho' she walks very well, she complains as soon as she is still if there is no seat at hand. We have been taking leave of our acquaintances, some of them very pleasant people, of whom Caroline will talk to you some day. But nothing can make amends for want of Mr. Stevenson. He went last Tuesday and we shall not see him again unless we meet at Richmond. But I am very uncertain where to go. It is my desire to consult some physician of eminence about Caroline's case and I find in that wish a very strong reason for going to Philadelphia and New York. A better reason than my own desire to see those places again; a desire I felt more strongly when we left home than I do now. Now I really feel more inclination for home than curiosity for what is to be seen abroad. Should you write after receiving this, direct to the White Sulphur, for if not there, letters will be forwarded. Dear Sue I am glad you did not insult Mr. Trapier, but sorry you came so near doing so. He is an unpopular man, and it is not the part of a generous mind to be merry at his expense, nor does it become us churchmen to give an example of disrespect for the Church or its feeblest minister in these times of schism. My duty to Ma; remember the magnanimous youths; I embrace little Adele and am dear Sue,

YOUR AFFECTIONATE FATHER.

TO MRS. JAMES L. PETIGRU

White Sulphur Springs, 16 Sept., 1845.

Your not writing, my dear Jane, is a proof that you are suffering every day, more or less, from those cruel pains, which take away so much of your attention from every subject but your own distressing situation. * * * We arrived here at 2 o'clock, and found that sort of change, which marks the tran-

sition from gaiety and noise to the silence of deserted halls. There are still about 60 here; most of them persons like ourselves, desirous of testing the water by a full trial. It must be confessed that ours now, is not so much a trial or experiment, as a confirmed faith. The good effects desired from it heretofore, induce us to repeat the application, with a strong assurance that it will be still more efficacious. This, however, is our last week; on Monday or Tuesday next, we will break ground on our return. Should we not go to Philadelphia, we will probably see the Natural Bridge, but I don't suppose that we will attempt to gain a sight of any of the caves, which are the next greatest curiosities to the Bridge. * * * I was much tempted to go a hunting yesterday, for my reputation is much enhanced here, by a shooting match, in which I carried off one of the prizes. If I had gone they would have expected great execution from me, but I preferred to stay at home and finish the last No. of Thiers' "Consulate & Empire," that Caroline brought with her. James is so good a child, that he is almost enough to reconcile one to the character of a grandfather. By the way, I have had my hair cut since I was here, which has undeceived people on the subject of the wig, in which they firmly believed. This was a great pity, for the wig was considered so becoming, that it was in a fair way of setting the fashion, and might have made me distinguished as a leader. The greatest lawyer of the age is gone: Judge Story. I hope the Bar of Charleston will pay so much respect to genius and learning as to commemorate his death by some act of respect. My love to Sue, and remembrance to the magnanimous Youth and I am, Dearest, ever Thine,

LOUIS.

TO MRS. SUSAN PETIGRU KING

White Sulphur Springs, 21 Sept., 1845.

My dear Sue:

* * * These two letters therefore, are the balance of the account which will be left in your hands at the close of our correspondence. We are going to leave this place in the morning with Mr. and Mrs. Ingraham. Caroline is not well and strong enough to travel in stages that keep pace with the mail, and I have "chartered a coach," as they say here, to Winchester, which means, that we have all the coach to ourselves and stop when we please and pay double price; that is to say, I pay for 8 seats, of which Mr. Ingraham takes two and the other six are for us and the maid, whom Caroline will leave at the end of the second day's journey. I believe we will leave these springs with regret, for they have become quite natural to us. Mr. Caldwell, the proprietor, is a polite old gentleman, who never was intended for an innkeeper, as his white hair and small cue carefully tied

with a black ribbon, would convince any one at a glance. He distinguishes those persons that he considers deserving of his attention, by asking them to take wine sometimes at his house; and very good wine he has. But there is something in the mountain air, and more especially in the sulphur water, that makes wine an expletive here and even renders people careless to the attractions of toddy and juleps, tho' these last are greatly preferred to any other drinks of the kind. Mr. Caldwell puts us on the footing of his distinguished guests and not only his wine is at my service, but his game is offered to Caroline who, in consequence, has sometimes a nice pheasant for breakfast. Of Judge Cabell and his family, particularly his uncommon daughter who, by the absence not only of all affectation but even, of the show of any desire to please, has enslaved more hearts than any coquette of her times, you know everything, except that they go away tomorrow too. Indeed, I don't know who are going to stay, except Mrs. Skinner, a Virginia woman that lives in New Orleans and is waiting here for her husband. This lady, for the extreme gracility to which her figuré has been brought and the ample outline of her tournure, appears here like a strange bird in the farmyard. Mr. and Mrs. Gamage have been gone since Tuesday. I advised Mr. Gamage strongly to go along with his wife, till he saw her on board the Wilmington boat, and not to trust to hooking on to other people but take care of his wife himself. I hope they took my advice and that she has gone home where her presence must be so much desired by her daughter. I assure you Sue, I begin to feel very anxious to see home and my friends, and this sentiment you will have the goodness to communicate to the magnanimous youths, and assure Ma of my love and duty. Receive my congratulations on the opening virtues of little Adele who will, I hope, serve as a counterpart of James' character, he the best of men; she the sweetest of her sex, and be assured dear Sue, of the affectionate regard and constant wishes for your happiness of

YOUR FATHER.

TO MRS. JANE PETIGRU NORTH

White Sulphur Springs, Va.,
21st September, 1845.

My dear Jane:

* * * Caroline's spirits are good and she walks about with animation, but she complains of her knees and of much weakness besides. I am convinced that her health requires very diligent and sensible attention. I am afraid that she is not likely to learn how to manage it, and that there are none about her from whom in this particular, she can expect much assistance. However, we have great reason to congratulate ourselves that

our expedition to this place has been so favorable. If I had known how much was ailing her before I left home, I would have been more on my guard, and not run the risk I did in traveling by the mail stage. Being now warned of that difficulty, I have provided against it by chartering a coach, as they call it here, or hiring an Extra, as they say further North. The consequence of this is, we will travel as we please and not run the risk of breaking down by excessive fatigue or by loss of sleep in riding at night. We go from this place to Winchester, and from Winchester there is a railroad to Harper's Ferry, and there a junction with the Baltimore Rail Road; we will get to Baltimore in 5 days if we do not stop on the way. I am not sure that we shall go any farther north than that place. We shall probably see Washington, return to Baltimore and take the way home by Chesapeake Bay, or proceed from Washington to Richmond and so on by the railroad to Wilmington. But I am no means fixed in my mind about visiting Philadelphia and New York, the latter of which I should like very much to see. If we should extend our journey northward, I will write to you again, otherwise you will not hear from me till we see Charleston. * * * When we came to this place, there were more than 600 people; now there are hardly 30. We have not made many acquaintances, yet we have met with some agreeable people that I would like to see again. Such as Judge Cabell, and his wife and his uncommon daughter, who has no remarkable beauty nor manners nor taste in dress; neither shines nor tries to please, except by offending nobody, and yet has enslaved more hearts than the greatest coquette of her day,

"No conquest she but o'er herself desired,
No arts essayed but not to be admired."

Mr. Clay was here a fortnight, the central point as long as he staid, of all the attractions of the place. He behaved exceedingly well; is much more sedate than in 1844, and if not pious, evidently more under the influence of devotional feelings than he used to be. * * *

YOUR BROTHER.

TO SUSAN PETIGRU

Milledgeville, 27 November, 1845.

My dear Sue:

As pure gold is but proved by the furnace, my affection as you see, triumphs over all the temptations of Milledgeville and forbids me to forget you or little Adele. And yet, this is what is called in the Geographies a capital town and is now at a season, like the Chrysanthemums of St. Michael's Alley, in full blow. All the wisdom of the State, as far as the people are capable of finding it out, is here selected, so that Society is not to be deplored.

We live at Mrs. Hayne's in a large brick house and I have a whole room to myself, more than 20 feet square, and firewood without stint. Certainly, in such circumstances, you would not have thought it surprising that I should forget home. Well dear, I do not mean to boast, but take for granted that you will readily and at once acknowledge that it is a great proof of papa's affections that he finds time in such a place to write. The time is not snatched, to be sure, from pleasure but from weariness of spirit. It is now 7 years that I have been pursuing the Legislature with the complaint that they owe us money, which, in common honesty, they should pay. They are now making a great effort to be just; the height to which they aspire will elevate them greatly in the moral scale, but Virtue does require such sacrifices, it is still questionable whether they will be able to reconcile to human weakness the magnanimous resolution of paying the principle without any interest after 50 years of dishonest evasion. As to their paying any interest, that I believe is a forlorn hope. On Tuesday next, however, the issue will be tried and we will see what is to become of the claim for the present at least, as it is made the order of the day for that day. My time is spent in reading a couple of reviews and a law book I brought with me and occasionally a few chapters of Tacitus; going to the State House; listening to proceedings of no interest, regularly adjourned at the hour of dinner, which is here 1 o'clock. Nothing on earth could induce them as it seems, to put off that important business five minutes beyond the appropriate time. In the afternoon there is the going to the Post Office, where one sees everybody and then, after dawdling away an hour or two, supper comes at sundown, and the interval between supper and bedtime is spent just like the rest of the day. I came here with a bad cold and have outlived it. The weather has been very warm till the last 24 hours and now it is quite cold. I wish you would write and let me know how Ma is, and when you are going to move, and how Henry and George Street are. I may be home in a week and may remain till near Christmas. Adieu.

YOUR FATHER.

TO CAPTAIN THOMAS PETIGRU

Charleston, 8th December, 1846.

My dear Tom:

* * * There is going to be a great rise in property, so my friend, Conner, tells me, and, of course, you will never find a house so cheap again. Chisolm (John) has bought Howland's. Carson wharf is advertised for the 22d and it is a very interesting question whether it will sell for \$100,000. They gave \$120,000. I am afraid the loss will be very great. It would not be so bad if the money were lost already, but as they bought

on credit, the money is lost before it is found, and I am afraid the finding of it will be a very hard trial of some people's ability. * * * I have concluded an arrangement with Mr. Coster's executors, by which I am cut loose from the Oswitchie Company forever. The deed was signed on the 4th, on a written promise to release me, which is as good as the release itself. * * * This day week I will go to Columbia to argue a case.

My love to Anne, and the sisterhood and childhood.

YOUR BROTHER.

TO MRS. SUSAN PETIGRU KING

Milledgeville, 10th December, 1845.

This is the beginning of the second month my dear Sue, since I have seen you or any of you. It was not believed when I used to say, perhaps I will be gone a month; it was not believed even by myself, that it would be a month in reality that I would pass in this hole. And it astonishes me even, that I remain here so composedly. Nor is the period of our deliverance any more certain than it has been all along. The expectation of getting the amount of the debt is abandoned on all hands. It is only the principal which is expected, 50 years of interest being regarded as abolished. Our case was to be heard on Tuesday 2d inst. and it was begun to be heard, when a man with a crooked nose, called Sanford, moved to put off the further consideration of it, till he could examine and satisfy his mind on the merits of the case. One would suppose from this, that he had a design to compare the evidence with the most approved ideas of justice and to give an opinion like a moralist or, at least, like a jurist when the discussion came on again. Quite the contrary; he employed all the intermediate time in preparing his dull mind to show in a speech that a debt which has been due upwards of 60 years must be an old debt and therefore suspicious, and if suspicious, not perfectly clear. This pattern of reason and argument was the work of the 5th inst. Mr. Harris, a very good lawyer and a different sort of person, made an answer to this suspicious specimen of Honesty, but unfortunately when he had concluded, the hour of One had arrived; an hour in these regions set apart with something like religious scrupulosity to the consuming of bad victuals. Of course the House dispersed, promising to return at 3, and at 3 many did come, but Judge Kenon, a very intellectual personage, who is scarcely less than 7 feet high and of corresponding proportions, and who as Judge was chiefly famous for sustaining his judgements by his big looks, now moved another adjournment of the question, which was carried of course, the more readily because everybody supposed the Judge was just the person to oppose the claim. But it so happens the Judge is my fast friend; a friendship cemented by

the contents of a small Dutch liquor case, which 5 or 6 years ago was brought here filled with generous liquor not the worse for the keeping. To cut short the story of this long delay, the case was put off till Monday the 8th, and then at my request, continued till Thursday the 11th, which is tomorrow. But tomorrow will be occupied with the unfinished business of today and if a vote is even taken on the case, it is likely to be some time about Friday or Saturday next. As to the result, we have canvassed the 130 members of the House and suppose that 73 of them are in our favor. Yet strange things sometimes happen when votes are actually counted, and the result is wide of the mark which the best informed people had fixed on. If the Bill passes the House, it has still to run the gauntlet of the senatorial wisdom, which is scarcely less appalling than the representative greatness of the other House. I saw today a very remarkable family: a mother with three sons (you can not call them twins when there are three) seven months old, all very fine hearty children. She is a young person not ill-looking, and far from a desponding expression of countenance. Indeed, she had no reason to despair today, for of the crowd that gathered to see the children, many contributed to their nurture and a sort of rivalry having sprung up between my friend Judge Kenon and a contemporary of his they went on outvying one another, till the poor woman and her brats were 15 dollars in gold better off. The father of the interesting family does not make any part of the show. He is said to be laid up at home with rheumatism; not unlikely, as they live in the mountains. One of our Members died on Monday and was buried yesterday. He died in the same house I was staying in, and was a countryman of ours originally from Edgefield. He was a poor sort of creature that had no sort of idea of taking care of himself and could not be kept out of the worst weather when able to leave the house, tho' he was in a galloping consumption. Last night the Governor's Levee, as it is called, took place. Apple toddy was furnished the men, who did not abuse the privilege more than is sometimes seen in places of more pretension; not more than Ma's company in the times that you don't remember, but which you may if you are clever to coax Ma some time to tell you of. Poor Mrs. Crawford is the last person in the world that popularity seems intended for. She is by no means without a due sense of her merit, in fact, her conversation is rather ambitious, but she has no turn for entertaining and does not try. They are very dull things at best, but might have been improved by the dancing of the young people; yet, altho' the music was there, nobody had spirit enough to call out a dance. There was no resource therefore, but to walk round and round the room or join some dismal group seated against the wall. I am always delighted with details of domestic life, when they relate to those I love, and read

with interest all you wrote about the Aunts and George Street and Ma. * * * I hope Ma continues to defend the virtues of meamerism by her example even more than by her tongue. Make me remembered to Henry. I embrace little Adele and am, dear Sue,

YOUR AFFECTIONATE FATHER.

TO MRS. JANE PETIGRU NORTH

Charleston, November 5, 1847.

* * * Wish me good luck at Milledgeville, for if I succeed I will, in a year, be out of debt.

CHAPTER XXIX

1846-1847

HOSPITALITY; DRESS COAT "DESTITUTED"; A MEAN INN;
DANIEL; MEXICO

TO CAPTAIN THOMAS PETIGRU

December 29, 1846.

On Xmas day I had Butler (the Colonel) and B. T. Watts to dine with me and William, and we had a very pleasant day, though we were all vastly sober. My cold, which had been very severe, would hardly allow me to show them an example of doing justice to the wine. Governor Johnson is here, busy in getting off the volunteers. The last of them moved this morning for Hamburg. It is not known who will be the brigadier. I have heard that it has been offered to Gadsden, and there is an inclination to press Butler's claims for it. * * *

TO CAPTAIN THOMAS PETIGRU

Charleston, 25th November, 1846.

My dear Tom:

* * * Everything is in the same track. Prices are good. Folks are saucy; news scarce. William Blanding's company is not filled yet. To my surprise William Gillison, of Coosa-whatchie, a man that has a wife, probably children, good plantation, negroes to work it, has come down here and enrolled his name as a full private. I think he must be a little cracked.
* * *

TO MRS. SUSAN PETIGRU KING

Savannah, 8th July, 1846.

My dear Sue:

* * * We did not work on Monday, but went to work on Tuesday, when the Judges heard two speeches. Today they hear Mr. McAlister; tomorrow they will hear Judge Berrien and me probably on Friday. Then there remain two other causes, which will be likely to consume much of next week. In packing up, I made many mistakes: came away without a night-shirt and put in my trunk for a dress coat, a thing thoroughly worn out with a great rent under the arm. For this last mistake I blame Ma, for, if she had not "destituted" the house (as poor

Dr. LeSeigneur said) this old rag would not have been in my drawers nor found its way into my trunk. It was very fortunate that I took a survey of the condition of the coat before I put it on to attend a dinner party to which I went on Monday, otherwise, I would have been acting the part of Diogenes without his Tub. It has been awful hot; my opinion that this climate is better than Charleston is undergoing a change. My love to Ma; to Aunt Jane likewise, and I am, dear Sue, for you and Henry and Adele,
 YOUR LOVING PA & GRANDPAPA.

TO CAPTAIN THOMAS PETIGRU

Charleston, June 28, 1847.

My dear Tom:

* * * Dan is not gone. Sitgreaves had only sixty-three men and ordered Dan to remain for recruiting. I was sorry for it, but could not prevent it, and the military men say it is better for him if he will fill up his company. But when that will be I know not, for the complement is no less than forty. I thought he had written to you for your advice whether he should try Abbeville. In this place he picks up a recruit or two in a week, perhaps more. Not one of the companies has been filled up. Hamilton and Manigault, two of the new captains, have not, I believe, more than fifty between them and Sitgreaves got only five and twenty in York and the upper districts. On the other hand the North Carolina companies had over their complements.

You will see by the newspapers (if they reach you) that disorder seems to increase in Mexico, and that the guerillas have had the impudence to attack McIntosh and take away some of his wagons. * * *

I will go as soon as I can get away from this place, of which I am heartily tired, and will be happy when I join you in riding over those poor fields of yours, where there is so little to see, except always the attachment to the native soil so celebrated in song and so little in fashion among our roving and adventurous bands. Love to the sisters three and children all and our dear captain. Affectionately,

YOUR BROTHER.

Daniel was the only son of Mr. Petigru and was the favorite child of his mother. He was now twenty-three years old,—small, good-looking, clever at repartee, told a good story and sang with a fine tenor voice. He had been a student at Princeton, had been admitted to the Bar in South Carolina, and on the 9th of April, 1847, was appointed first lieutenant of the United

States Army and assigned to the Third Regiment of Dragoons. According to the records of the War Department Dan joined his Regiment in Mexico, October 26, 1847. In December of that year he was made Captain and assigned commander of a company till February, 1848; was then placed under arrest and continued to have a succession of scrapes; he only escaped being cashiered by the Regiment being disbanded in July, 1848.

TO MRS. SUSAN PETIGRU KING

Sullivans Island, 9 October, 1847.

My dear Sue:

* * * Dan set off this day week with his men, 11 or 12. They told me at the hotel in Augusta, that he had been there the evening before I arrived and was disappointed in not meeting me. He would have done so if I had not been disappointed, for that was the evening that I had intended to reach Augusta. The grass in our plot is beautiful. The new gate to the church is the greatest improvement on the Island, and the churchyard, tho' not quite free from cockspurs, is a pleasant place to see. At Columbia the rumor of Mr. Polk's death was firmly believed. Mr. Elmore had had such an account of his situation as to make the account of his near dissolution very probable, but the news and the contradiction of it excited very little interest. I am grieved that Gen. Clinch has lost his election, tho' it is some consolation that the Whigs have secured both branches of the Legislature as seems probable. I embrace little Adele and breathe a warm greeting to Henry and Mr. King and all his familiar circle.

YOUR FATHER.

TO MRS. JANE PETIGRU NORTH

Charleston, October 18, 1847.

My dear Sister:

You have seen in the papers already the death of Judge Harper. The Bar had called a meeting here in my absence, for I arrived from Columbia yesterday in the car, and seeing the notice this morning, I attended the meeting. It was a great surprise to me to hear one of the resolutions, viz., that which relates to the appointment of a committee to wait on Mr. Petigru and make arrangement with him for delivering the eulogy. I must undertake it though it is a duty to which I do not feel equal. * * *

I think this is enough for an invalid to read at one time, and with love to sister and children am, dearest Jane,

YOUR BROTHER.

TO SUSAN PETIGRU KING

Milledgeville, 22 November, 1847.

My dear Sue:

I received your letter today and right glad I was of it, and more obliged because you wrote first. It is 15 days that I have been here and every day I have felt, more than I did at any of my former visits, that I am out of place. The members of the Georgia Legislature are mostly new men. Out of 167, there are only 35 who were here two years ago. Then my petition was lost by a vote of 63 to 59 in the House of Representatives, which consists of 130 members. Now, of these 130, there are just 30 who are here, of whom, 20 voted against the claim and 9 for it, and one was absent at the vote. Last Saturday we had a sort of preliminary trial, on a motion to print the report of the Committee, which report is as favorable as it could have been if I had written it myself. Well, the vote stood for printing 57, against it 62. And what is strange, with two exceptions, every man who had formerly voted against the claim, voted against printing. Now the great question, whether they will pass the bill, will come up early next week, and one, who voted for printing, says he will vote against the bill and I am sure he will, so that the vote will be, in all probability, very close and the presumption very much against the passing of the bill in the House, and if it passes in the House, it has to undergo the ordeal of a passage in the Senate. There, of the 5 old members three are for it and two against it. In all probability the vote in the House will decide the matter. You will judge whether I have any reason to be in high spirits with such a prospect. But I bear up bravely and try to make friends, and succeed in wearing a cheerful countenance. I don't know how far I am indebted for this success to the stock of philosophy which I have laid in since I came here, but under the impression that I had need of all the aid of that sort that I could get, I have purchased four volumes on the "Light of Nature," by Abraham Tucker. It is a very good book, and if I do not get the case, I will have the book to console me when I return home. Tom Thumb is the great attraction of Milledgeville just now. He arrived this morning or yesterday, I don't know which, and I have a mind to go to see him tomorrow, tho' have but little inclination for seeing people distinguished for inferiority, as I have opportunity enough for such observations in the Georgia Legislature. My success in the grand mission is supposed to depend on the vote of Mr. Mosely, a baptist preacher of that sort denominated "hard shells." He is a Whig and that seems favorable, but he voted against the printing of the Report and that seems very ominous, and he preserves on the subject of paying Peter Trezevant a silence, which is well calculated to make us dread his decision.

If he pronounces the dreaded negative, I will probably be sooner at home, but whether sooner or later, it will give me sincere pleasure to embrace little Adele and to receive, dear Sue, your cordial welcome. * * * Your allusion to Mrs. Day is perfectly unintelligible. Can it be possible that F. Day, the punctual tenant, the thrifty tradesman, the master of the most fashionable shop in King Street, has failed? Why, there is nothing in the downfall of Ministers of State, so significant of the vanity of Fortune, for this would be the downfall of vanity itself. My account of myself would be very deficient if I failed to mention my having made the acquaintance of Mrs. Herschell Johnson, wife of the distinguished Georgian, who wrote down Gen. Clinch and will be one day a Governor, if he meets with half of his deserts, as I am assured by Mrs. Herschell herself, who knows him better than anybody else. Nothing prevents him from being acknowledged for one of the greatest lawyers in America, so she says, but his aversion to study. Let our friend Henry think of that. Even his great alliance with Mr. Polk's cousin, for such Mrs. Herschell is, can not avail to make him the equal of Judge Berrien at the bar, without submitting to the trammels of plodding industry. Good night my dear Sue; I have been interrupted too; it is after 12 o'clock.

YOUR FATHER.

TO MRS. JANE PETIGRU NORTH

Milledgeville, 24th Nov., 1847.

My dear Jane:

Your letters of the 4th and 15th insts. have made me doubly your debtor, and you must not measure my feelings by the slowness of my pen. It will be just 3 weeks next Friday since I left home. I came here on the 7th, which was Sunday morning and attended church in the afternoon, where I saw Mrs. Thomas. She plays the organ and her daughter (niece) sings in the small choir, and Mr. Tinsley, the Secretary of State, who for a wonder is a churchman, leads. Mr. Thomas shows a wonderful docility in accommodating his religion to his wife; for, brought up as he has been on the frontier, his own notions of the duty of worship might be expected to partake of the Indian's more than those of the inhabitants of cities. But Mrs. Thomas has not only a church built, but has her husband and children regularly there to make up a congregation. I have been to their house last Sunday and the Sunday before and probably will go home with them tomorrow, as it is a Thanksgiving day, and will take care to make her acquainted with your remembrance. This place is filled with new faces. Out of 130 members of the House of Representatives, there are only 29 of those whom I met here

two years ago. Unfortunately out of them, there are just 19 of the same men, 63 in number, who voted then against me, and only 9 of those who voted for me. They had been a week in session when I came here, and nothing had been done, for they had been caucusing all the time, and the election of Senators, which was the great interest of the Session, did not take place till Friday, the 12th inst. Judge Berrien succeeded in the darling object of his life, and in spite of great opposition, got 89 of his party to vote for him, which just elected him. He had not one vote to spare; one Whig was sick and one voted a blank, and he got all the rest. To think of a man of 70 canvassing for a six years' seat in the Senate of the United States as keenly as if he had a long life before him, and one must be satisfied that ambition that will follow him to his grave. Dawson was then elected to fill the place of Judge Colquit, whose term will expire on 3d March, 1849. He was on the brink of betraying his party and going over to the Democrats. To prevent his treachery, they were obliged to postpone Crawford, the late Governor, who was the choice of his party and his State, and who was sacrificed to the policy of that party. These things being done, the members began to think of business. My petition was presented and referred to committees in both Houses, and they both reported in favor of paying Mr. Trezevant, and the Bill for that purpose has been read once in the House of Representatives. It will be read a second time probably on Friday or Saturday next, and the third reading, which is the great test, will probably take place about the 4th or 5th December. If it should be rejected by the vote of the House, as is but too likely, my business will then be over. Should it pass, it will be by a very close vote, and there seems very little doubt that if it passes the House, it will go through the Senate, and in that case, I will soon be in a condition to pay off my debts; that is, my commission on this claim will pay so much debt, that I will not have more than 6 or 7,000 dollars more to provide for. I do my best to conciliate the minds of men by respectfully approaching as many as I can, and showing them the reasons which prove incontestibly that I am entitled to what I am asking for. But it is a work that does not suit a person, that all his life has been accustomed to demand attention, and treat with scorn the knaves that are recreant to the obligations of truth and justice.

I wrote to you that I heartily approve of your employment of slave labour in the instance of Hanway's man, and am glad he cuts his wood faithfully. * * *

YOUR AFFECTIONATE BROTHER.

TO MRS. JANE PETIGRU NORTH

Milledgeville, December 27, 1847.

My dear Jane:

On the 6th of November I arrived here and returned to Charleston on the 9th inst. and came back on the 15th, and now I am going off in the morning with the bill for the relief of Peter Trezevant in my pocket. Almost against hope it has at last passed. It passed first on the 16th instant in the House by a vote of 62 to 58. Next day that vote was set aside by a vote of 62 to 56, and on the following day, to the surprise of everybody, it was passed again by the same vote as at first—62 to 58. Two years ago it was lost by the same majority—63 to 59. We were greatly relieved by this, but in a short time our fears were again alarmed by apprehensions that the bill would be lost in the Senate, but on Thursday, the 20th, it passed the Senate by 28 to 14. An attempt next day to set aside or reconsider this vote failed by a vote of 31 to 11. Our fears were not yet allayed entirely, for now there was a rumor that the Governor would veto. But on the 25th he approved of the bill and put the matter to rest. This bill gives Mr. Trezevant \$22,222.22, for which bonds of the State are to be issued. By this event I am relieved of the heaviest burden of life. Hamilton's commission and mine on the amount recovered will enable me to pay Mrs. Harriet Porcher the money which I unwittingly made myself responsible for, by lending it to him without security. It will also refund me my expenses, which have been very heavy and altogether it is a consummation in which we should all rejoice.

The weather is severe at present. I have just closed my affairs and leave in the morning at 3 o'clock for home. I hope, my dear, you are better and everybody well. I embrace Mary and the girls, and am most devoutly your affectionate

BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, December 29, 1847.

My dear Jane:

I arrived to-day at 1 o'clock by way of Savannah. One of the last things I did at Milledgeville was to write to you and to the Captain, giving you an account of my long warfare and narrow escape. After finishing these and other letters friends came in, who had just left the State House, for the Legislature sat till 11 o'clock. They carried me to supper and we did not separate till 2. I lay down in my clothes, and had slept upwards of an hour, when I was aroused to be told the stage had come; down I went in bitter cold and found a buggy, nothing more, and in the bitter cold of Tuesday morning rode in that open

conveyance 17 miles, arriving at the depot on the Central Road at daylight. The exposure gave me a cold. Otherwise I am very well.

TO MRS. JANE PETIGRU NORTH

January 5, 1848.

I hope you got my letter from Milledgeville, giving you a detail of my adventures at that place. It appears now that the dangers were greater than I was aware of, for on Wednesday, the 29th, the Governor sent back to the House of Representatives the bill imposing taxes, with a message saying that he had signed the railroad bill and Trezevant bill under the supposition that they would provide money to pay the interest on the bonds, which those bills direct him to issue, and that he never would have signed them if he had not supposed that they would make an adequate provision for the public credit. He therefore vetoed the tax bill, and they passed it over his head by a vote of two-thirds, and authorized him to borrow \$40,000 in 1848 in anticipation of the revenue of 1849.

CHAPTER XXX

1848

DISGUSTED WITH TAYLOR DEMOCRATIC CLUBS; STUMP SPEECH
IN ABBEVILLE FOR GENERAL TAYLOR; BERNARD BEE; DINES
WITH MR. CALHOUN; FLASK AND SILVER CUP; STUMP SPEECH
FOR TAYLOR IN THE "RANGE"

TO MRS. JANE PETIGRU NORTH

June 12, 1848.

I was up all night about my speech for to-morrow, of which not a line was ready till yesterday. I returned after 4 in broad daylight this morning with the satisfaction of having my work in such a shape that I could go on with the speech as it is. You will not expect in these circumstances, a letter.

In the autumn of this year Taylor ran against Cass for President. Mr. Calhoun in a speech delivered at the old Theater, on Meeting street in Charleston, had suggested that a Southern Whig might be better than a Northern Democrat, and Taylor Democratic clubs were organized. Speaking of these Mr. Petigru says:

I am not a candidate. They have sunk the Taylor party here into a mere clique, the main object being to make Porter Senator. I don't know that we will even vote for them.

Again:

The election is in the greatest confusion. Of the thirty-nine candidates before the people nobody knows who will be elected. I am so disgusted with the Taylor Democrats that I am perfectly willing to see them routed. I'll do nothing against them, but certainly will not help them. I told John Cunningham I did not believe they would stand at Columbia, that they wanted to give in as soon as they found they were in the minority. But he assures me that if any man attempts to bolt he will serve him like a deserter.

ORATION.

DELIVERED BEFORE THE
CHARLESTON LIBRARY SOCIETY
AT ITS

FIRST CENTENNIAL ANNIVERSARY
JUNE 13TH, 1848.

BY JAMES L. PETIGRU, LL. D.
A MEMBER OF THE SOCIETY

CHARLESTON, S. C.

J. B. MIXON, PRINTER, No. 48 BROAD STREET
1848.

This goodly presence of the intelligence, beauty and numbers of the City, shows that good actions, falling within the routine of daily life, may, by their effects, be invested with a high degree of public interest. We have assembled, not to celebrate an anniversary known to history, but the foundation of the Charleston Library Society; an association that owes its origin to the plain citizens of a small town, and has, for its object, the collection of good books, and the encouragement of a taste for reading. No shout of victory hails the progress of these quiet benefactors of Provincial Society. No trophies attest the success of their labors, or the gratitude of their country. They gained no glory by the destruction of mankind, and their arms were directed against no enemy but Ignorance. On the 13th June, 1748, Alexander McCauley, Patrick McKie, William Logan, James Grindlay, Merton Branford, Joseph Wragg, Jr., Samuel Wragg, Jr., Robert Brisbane, Paul Douxsaint, Alexander Baron, John Sinclair, John Cooper, Peter Timothy, Williams Burrows, Charles Stevenson, John Neufville, Jr., Thomas Sacheverel, Samuel Brailsford, and Thomas Middleton, subscribed the roll, as the original members of the Society; and now, at the distance of a century, we give thanks for the good which they have done, and offer our congratulations on the benign favor of Providence, which has given their work stability, and allowed us to partake of the fruit of their labors.

It is but just that we should remember them whose generous care was extended to posterity. They planted the tree which invites our noon-day steps from the cares of business, to its cool, refreshing shade. Gratitude demands the tribute at our hands; nor let self-conceit or vanity condemn, too easily, the value of such praise as belongs to the Founders of our Society. To such men, the world is indebted for much of its knowledge, and nearly all the material elements of comfort and happiness. It is not to extraordinary services, or to great occasions, that the sum of

human happiness belongs. Although we are dazzled by the style and equipage of the rich, the mass of national wealth is really in the hands of those who have but little. The treasury of the State would be but poorly supplied by the contributions of the opulent, if no assessments were laid on men of moderate means. And, however brilliant the path of ambition may be, with whatever honors the brow of genius may be crowned, society, after all, is mainly indebted for refinement in manners, and improvement in circumstances, to the modest and unpretending merit of those whose virtues are confined to the sphere of private life. Great abilities, even when best directed, avail but little, unless seconded by the general sense of the community. The honors of State, and the fame of learning, are bestowed on few; but the success of those who attain such envied distinction, in doing good to mankind, by correcting prejudice, or elevating the standard of public morals, depends on the co-operation of obscure and faithful agents. No age has been without its heroes; those who would have saved their country, if it had been possible, or rescued their fellow-men from guilt or ruin, if they had been permitted.

Si Pergamma dextra
Defendi possent, etiam hac defensa fuissent.

But when the public mind is engrossed by sluggish indifference, or selfish cupidity, vain is the warning voice, and impotent the valiant arm.

As in the order of nature, whatever bears the name of fruit, grows and is developed from the ground; so in the order of society, whatever is perfected in the form of a state, or community, grows and is developed out of the family. The virtues of the family lay the foundation for all the energies of the state; and according to the discipline and training of the family; such is the condition of the Body Politic. All real improvement, therefore, must commence in private life, and those who cultivate the moral sentiments of individuals, and within the sphere of their influence, promote humanity and the love of order and industry are benefactors of their country, as well as of the particular society to which their labors are confined. Their merit is greater than their reward. They are more deserving in the eyes of God than of man; and among men are honored most by those, whose judgment is the most enlightened. It is not, therefore, without cause, that we commemorate the names of those who have laid the foundation of a public Library. Of all the instruments of man's invention, for the improvement of his strength, and the development of his skill, books are the greatest. They are not merely an auxiliary of civilization, but civilization lives in them. They are the inheritance of the Earth. All that is contained on the surface of the globe, all the structures

that have been raised into the air, and all the wealth that has been dug out of the ground, are to the world, collectively, of far less value, than the books which have been written. Without letters, there would be an impassable gulf between the past and the present; and each generation, uninformed by experience, would be born into a world unknown; like aliens, wandering in a land where a permanent settlement is denied, and the acquisitions made by the dead, are resumed by a higher power. But books preserve the succession. By books, the present age enjoys the intercourse of the past, and will live in the learning of the future. Those who established this Library, therefore, promoted the interests of the community in the highest and noblest sense; and the honor done to their memory, is a tribute paid to virtue.

Among those whom the Society has since enrolled as members, are many names distinguished in the State. But particular notice appears to be due to Thomas Bee; of whom it is mentioned, that he was mainly instrumental in procuring the Charter of the Society in 1755. This was an indulgence seldom granted by the representatives of the Crown, and the measure was attended, at that time, with no little difficulty. In him urbanity and the love of letters tempered the severity of legal studies. His life was protracted to old age, and spent in the bosom of his native city, where he was esteemed and honored, and his home was the seat of hospitality. He had served the state in many situations of public trust, and was the first Judge of the Court of Admiralty, in this place, under the authority of the United States. His reports, published in 1810, confirm the reputation which he enjoyed in his life, of an able and upright judge. Nor can I pass, unheeded or unhonored, the name of Stephen Elliott; to whom we are indebted for a catalogue, such as none but a scholar could compile, and a memoir of the Society, of which he was President for ten years. He was a scholar of profound and various learning; and a man, endued with such beneficence of nature, and kindly dispositions, that admiration of his genius was subordinate to the feelings of affection and attachment, which his virtues excited.

The Society consisted at first of nineteen members, among whom we recognize some familiar names, and we hope that the list will be perused with honest pride, by their descendants, at the end of another century. But many of them are no longer found on the census of our City. Their absence reminds us of the changes which an hundred years have wrought, and it is not uninstrusive to consider the difference between the condition of things at the present day, and at the commencement of the century, which has elapsed since this Society came into existence. Like the traveller, who climbs some hill, to gain the view of a distant scene, let us, from the standpoint of 1748, survey the

prospect which the face of Society in Europe and America, then presented. The treaty of Aix la Chapelle, which was concluded in March, 1748, had just put an end to the long and bloody war of the Austrian succession. By the peace then concluded, the house of Lorraine was seated on the throne of Germany; and the restoration of the Stuarts to that of Great Britain, was finally abandoned. This war, which had been kindled by the opposing pretensions of the Queen of Hungary and the Elector of Bavaria, to the Imperial throne, had extended to other parties, and been inflamed by new causes of dispute. But the conflagration which set the South of Europe in a blaze, was excited by a contest of England with Spain, for the benefit of the slave-trade. The attempt of the Spaniards to restrict the monopoly which the English had enjoyed, of importing African slaves into Porto Bello, on the Spanish Main, was resented by an appeal to arms, which covered the soil of Europe with a million of fighting men. Europe was shaken to its centre, and the concussion extended to every part of the globe. The House of Bourbon stood single-handed against an European alliance. The allies sought for aid, even from the distant Russians; and the march of savage hordes from the banks of the Volga and the Don, for the first time threatened the sunny fields of France.

With grim delight the brood of winter view,
Serener skies, and fields of brighter hue,
Exhale the fragrance of the opening rose,
And quaff the pendent nectar as it grows.

Then was seen the consummate policy and vast military genius of Frederick II. Unscrupulous and enterprising; annexing to his dominions provinces wrung from reluctant weakness, by the hand of conquest; and turning every incident of fortune to the profit of his own ambition. Then was waged on the soil of Flanders, the game of war, upon its mightiest scale, by the victorious Marshal Saxe. To this period belong the victories of Hawke and Vernon; the marvellous voyage of Anson, and the memorable fields of Dottingen and Fontenay; where the cruelty of mutual slaughter was strangely relieved by acts of politeness and courtesy. And in those days the romantic adventures of Charles Edward and the deplorable fate of his devoted followers enlisted the sympathies, if not the approbation, of mankind.

The treaty of Aix la Chapelle staunched the bleeding wounds of Europe; and like rivers which have overflowed their banks, carrying devastation among the homes of the affrighted inhabitants, the nations returned to their accustomed limits. All but the indomitable Prussian who retained Silesia in his iron grasp; a conquest, extorted in the day of misfortune, from the Empress Queen. And for what purpose had so many lives been

sacrificed? For the pretensions of two rival candidates, to rule over the German people, as if they were the property of a master, like flocks and herds. And for an ignoble traffic, which the victorious party is now foremost to hold up to the scorn and execration of mankind.

But personal ambition was veiled under the semblance of a general principle; and the horrors of war were justified by a real or pretended care for the independence of sovereign states, and the preservation of the balance of power. But the events of a century have shown how vain were the schemes for which such sacrifices were exacted. In 1748 the Bourbons reigned in France, in Spain, in the two Sicilies, and the Duchies of Parma and Gustalla. The French flag waved in Canada, and the King of Spain stretched his sceptre from the river St. Mary to Patagonia. The confines of Germany obeyed an empress, and Belgium was a province; Sweden had not been despoiled of Finland by the audacious hand of Russia; the union of Denmark and Norway was undisturbed; Poland rejoiced in her independence, nor was yet the victim of the foulest deed which stains the annals of modern times.

On the eastern side of North America thirteen colonies owned the British sway; and James Glen exercised executive authority in the name of George II in South Carolina. His civil jurisdiction was, in fact, confined to a narrow strip of territory on the seaboard, reaching from the Waccamaw to the Savannah. Beyond Nelson's ferry lay the primeval forest, stretching across the continent, to the Pacific Ocean. Charles Town was a rival of New York in population and commercial importance; but Queen Street was the northern boundary, and the city scarcely extended beyond King Street on the west.

The colonies exhibited great diversities in their forms, but the essential characteristics were nearly the same in all. Their life was obscure, they were occupied in laying the foundations of society, in overcoming the obstructions of the swamp and forest, in pursuing wherever the hope of gain might lead their traffic upon the sea, and in subduing the wilderness to the dominion of the plough. Great was the contrast between them and the Spanish colonies. Here, rustic, or at least, industrious life, frugality and severity of manners. There, precocious establishments, spoil, and the pride of domination. The wonders of Mexico and Peru dazzled the imagination, but the homely farms and every-day appearance of the small towns in North America, had no charms for the lovers of romance. For their literature they looked exclusively to the emanations of European genius. Jonathan Edwards was known only by his devotion to the duties of a pastor in the village of Northampton, and it was not until he published his *Origin of Evil* in 1754, that he was discovered to be a profound metaphysician. Nor had the

genius of Franklin yet emerged from obscurity. It was four years later in 1752 that by his discoveries in electricity, he advanced the boundaries of knowledge and gained the first rank among the philosophers of the age.

That age was not conspicuous for its literature. Men spoke of the time which the old still remembered, as the Augustan Age of Louis XIV. Yet Voltaire sustained the reputation of his country by the universality, if not the depth, of his genius, and in this very year Montesquieu presented to the world his unrivalled work on the *Spirit of the Laws*. In England no great poet had appeared since the succession of the House of Hanover. The tuneful voice of Pope was hushed, and he had left no successor. Johnson was working his toilsome way to the first place amongst the writers of his country, against all the discouragements to which men of genius were exposed, till literature was made popular, and the people took them under their patronage. His *London* had already been published; and though depressed by neglect, he had given evidence of the ability that afterwards raised him to the highest rank, as a critic of singular acumen, a profound teacher of moral wisdom, and the first of lexicographers.

None of the great English Historians had yet appeared; and it was still literally true, that the best history of England was written by a Frenchman. It was from Rapin that the English youth continued to draw their information of the annals of their country, until the advent, at a later period, of Hume and Robertson. But in Eloquence, the age was illustrated by the genius of Chatham, who was now in the prime of life, and culminating to the meridian of his fame. Yet, how strange does it appear that in a nation, studious of the models of antiquity, and cherishing an admiration for eloquence and oratory, there should be no speech of Bolingbroke on record; and that the oratory of Chatham which swayed the destinies of England, during a brilliant period, is known only by tradition, sustained by meagre and unsatisfactory specimens! Nay, more, that in 1748, it was deemed a high breach of privilege to publish a speech made in Parliament. This absurd interdict of the publishing of public speeches was, in those days, practically enforced; and the orders of the two Houses were evaded by publications, which were ushered into the world as Debated in the Parliament of Lilliput. It was not until 1774, that this mummary was laid aside. But the rule has never been in form repealed, though the utmost latitude of publishing now prevails; being one of the victories gained by the reason of the age, over inveterate error and a blind attachment to exploded usage. Perhaps in another age, inconsistencies as gross, may be detected in our way of thinking, and something now tolerated by the public, may appear equally irrational a century hence, in the eyes of Posterity.

In another branch of knowledge, and one most important to the general welfare, there was no declension. This was the Golden Age of the Law. The British Themis never received more unbounded homage, than when Hardwicke presided in the Court of Chancery. Then was given to public admiration the example of a Judge, eminent for wisdom and learning, commanding by his reason, and indefatigable in the despatch of business. If Justice be the queen of virtues, in what combination shall true greatness be more convincing than in the character of a magistrate, whose comprehensive mind embraces all the knowledge of the subject; whose reason is proof against the fallacies of error, and whose integrity clothes his judgment with the approving sanction of conscience. He was in the flower of his age in 1748, and held the Seals eight years longer, when he retired from the bench, without a blot on his judicial character.

From this imperfect sketch of the state of things at the period when the foundation of the Charleston Library was laid, we would naturally pass in review the changes which have been operated by the lapse of a hundred years. But to the volumes of that Library, we must refer for the requisite information. There you may follow the stream of history from 1748, to the present day, and note the progress which has been made in learning, the discoveries that have been added to the stock of knowledge, and the alterations which have taken place in the circumstances of the world. But this is a task for years of study, and not within the scope of this occasion, not the abilities of the speaker. Suffice it to know that it has been an age of progress; and that, instead of the calm that in 1748 succeeded the peace of Aix la Chapelle, and vainly promised stability to thrones, and long years of repose to the people, the times are still ominous of change, and the year 1848 opens with a lowering sky. But there is no reason to doubt that the direction which has been given to the human mind, and which probably will lead to great events before the centennial anniversary of this Society is celebrated again, will not be unfavorable to the diffusion of knowledge. In that persuasion, we may hope that humanity will be a gainer, by the impending changes. For it is the well known effect of learning, that it banishes ferocity, and prepares the mind for impressions favorable to innocent and harmless enjoyment.

There is nothing in the political horizon to excite our fears for the permanence of this Society. It is connected with no party, and possesses no peculiar privileges. It is maintained entirely by the contributions of its members; levies no tax upon strangers, and interferes with no rival. The Library being the offspring of a popular association, is calculated to be useful to men of business, and general readers, without challenging a comparison with those great establishments, that have been endowed by the munificence of States or Princes. We have never partaken of

the public money, and Mr. Benjamin Smith, who, in 1770, bequeathed to the Library, six hundred dollars, figures as our only Macaenas. Its collection of twenty-five thousand volumes, though considerable, if compared with the contents of its shelves sixty years ago, when three or four hundred volumes formed the whole of its supply, is sufficient to place within the reach of its members, a variety of entertaining and instructive reading. If it has tended to elevate the taste of the city, and to diffuse the elements of useful knowledge, the hope of its founders has been realized. We may reflect with pleasure upon the evidences of its claim to public favor and consideration, upon these grounds.

The charms of Literature have been celebrated by Cicero, in strains that are themselves a treasure, which neither time, nor change, nor loss of friends, nor even failing health, can destroy. But even his eloquence does not transcend the attractions which Literature confers on the intercourse of life. The love of reading is, by itself, better than a fortune, and the public library does incalculable good, by cultivating that taste. The increasing demand for the recreation of mental pleasures, will, in turn, enrich the library with greater stores of reading, and render it more and more worthy of the pride of the city. With hopes founded on such assurances, we look forward to the next Centennial Anniversary. May our beloved city then be hailed as the Commercial Emporium of the South, and the Charleston Library rank among its flourishing institutions.

TO MRS. SUSAN PETIGRU KING

Badwell, 29 August, 1848.

My dear Sue:

It rained in Augusta from 8 till one o'clock; then the Captain's buggy was put in requisition. As much of the baggage as it would hold was stowed into the Break; the Break went ahead with the blacksmith driving, three negroes following on foot and the Captain's buggy with one horse came, after the rain was over, in the rear. We had only to wait an hour at Dents Creek, the place where Ma and I in 1824 were stayed, by the refusal of our horse to proceed in harness. It was only a temporary flood; at the end of an hour the brook had fallen so much, much assisted by the Post-rider's horse and two of the neighbors, that had met there, who carried the womenkind over on horseback; with the nigs two on a horse, the Capt. and I having each a horse to himself. We went only 16 miles that day. Two in a buggy is a very nice way of travelling; when parched by thirst we had to separate, one holding the horse while the other went to drink. It was 4 very near, when we arrived here; they were looking for us not very confidently. * * *

Adieu.

YOUR FATHER.

TO MRS. SUSAN PETIGRU KING

Badwell, 11th September, 1848.

My dear Sue:

Your letter of the 2d inst. was received last Friday (8th) and this is the first mail since. I am delighted to hear that Ma has been able to come to dinner every day but Sunday; for your letter was a whole week after my departure. Would you guess where I have been? To Pendleton; on business to Mrs. Martha Calhoun. I left this place Monday the 4th, went to Abbeville and was pressed for an orator. The Ordinary, with whom I had something to do, called me off from the Will I was reading, to close his office, because Mr. Burt was going to address his constituents. I listened to him a long time and he concluded heavily against Gen. Taylor, and then they raised a cry "James L. Petigru, Petigru, Petigru," till I was forced to ascend the rostrum, and make a Taylor speech with a good deal of acceptance. Burt answered, and I was called again and replied good-humoredly, and it being now near 5 o'clock, we adjourned to Judge Wardlaw's, where I dined and slept till midnight, when the stage came along and I got into it. Next morning I had the pleasure of seeing the thriving town of Anderson, which has been built since I was in that country, and at 12 was set down at Old Pendleton. The first person I saw was Mr. Bernard Bee, who took possession of me and carried me to his house. After dinner I moved to go back to the tavern and he accompany me, but on inquiring for a conveyance to Mrs. Calhoun's, he told me he was going with me in his buggy. We got there before sunset. The next day we concluded our business, and I found he had engaged me to dine with Mr. Calhoun, the great Carolinian. There was nothing to do but obey, so I went and dined and heard Mr. C. talk, tho' I fear I did not give him as much of the conversation as he would have been pleased with; that is all. After dinner we resumed our buggy and when we got to the village, I told him I would leave him as I was going to Mrs. North's. "Oh," said he, "I am going with you," and he did, spent an hour, returned to his house and staid there. Next morning he would not let me go without a basket and flask. He could not be persuaded that I never wanted such a thing, as I never carried any with me, and I submitted. But when he produced a silver cup, I said, "Bee, you don't suppose I am going to take that cup." "It is necessary," said he, "no way to avoid it and the driver will bring it back from Abbeville." Like the strong man well armed, when a stronger man cometh, I gave in. That same evening I reached Abbeville, staid at the Judge's and on Friday morning started with him, Lucy, Rosa and Lucia for Badwell. They stayed till this morning. This is the whole of my history, except another Taylor speech in the Range, where the Captain carried me to hear a

speech of Charles Pelot, and where I was obliged to mount the wagon,* which is the rostrum here, and hold forth on the merits of Gen. Taylor. This district goes for Cass for want of organization. They have not a Taylor candidate in the field. Aunt Jane is well and Cary is well and everybody is well except Judge Wardlaw, who was sick all the time he was here. I will set off on Saturday and be in Charleston on Monday. Love to Mama and thank Henry for the papers he forwarded. Adieu.

YOUR FATHER.

Under date of December 14, 1848, he writes to Captain Thomas Petigru: * * * "The gold speculation in California will beat all the speculations of the age. It is a page of romance. If I was young I would have a share in the show.

"Seabrook's election seems to be the winding up of the Nullification drama. It is to be hoped that Carolina Chivalry has now paid its debts."

TO MRS. JANE PETIGRU NORTH

Broad Street, December 22, 1848.

My dear Jane:

I received last night your letter and the Cap's, and I suppose the purchase of the old fields is by this time settled. Well it is what I have long desired. The two, nay three, great objects of my thoughts were to pay Mrs. Porcher, to build a good office in the alley and get Collier's place. For these purposes I have \$11,000, but Mrs. Porcher takes \$6,000, the office \$4,000, and Collier's \$2,000, which is one thousand dollars more than the fund, and my affairs are not otherwise so bright as I could wish. But we will do what was proposed; all three of these objects will be accomplished, and great caution and redoubled exertions will enable me, I hope, to pay the rest of my debts. And tho' the old place will pay no rent, yet it will secure, I hope, sufficiency of corn and grass to make Badwell something of a home; the old place will pay no rent yet it will make my condition more comfortable, and invigorate, I hope, my exertions.

*The "Range" is the southwestern corner of Abbeville County, adjoining Edgefield; the inhabitants were small farmers called "Rangers"; the most successful industry was a still, that produced whiskey and peach brandy. On this occasion Petigru delighted his audience by taking off his coat, rolling up his sleeves, saying, "You all know I am a Ranger, too," and continued to speak with the greatest wit and humor. This celebrated speech was for years with pleasure remembered by the Rangers.

CHAPTER XXXI

1849

JAMES JOHNSTON PETTIGREW ARRIVED; THE NEW CABINET;
KEEPING THE PEACE; RETIREMENT OF MR. LESENE FROM
THE FIRM

TO MRS. JANE PETIGRU NORTH

Charleston, February 7, 1849.

My dear Jane:

* * * I never was more harassed than I have been this month. I had to argue some very heavy causes and to attend to a great deal of new business. Until the Courts adjourned on Wednesday, 31st ult., I had no rest nor leisure. The Court of Equity is sitting now, but I am much less harassed now than I was.

On 28th January Hamlet* disappeared, and has not been since heard of. It is a very discouraging thing, and I would heartily agree never to see a negro again. He had fallen into great depravity and I am sorry to say had gone so far as to commit palpable thefts—taking money out of my purse and, at last, taking the purse itself. * * * Though I had not had him corrected, I intended to do so—and he anticipated my judgment by expatriating himself. * * * James Johnston Pettigrew arrived on Friday, 2d instant. Our house is full and he stays at his hotel, but is often with us. All you have heard of him is below his merits. Should his health be spared he will be one of the most considerable men of his age. His turn, however, is chiefly to science, but if he pursues his legal studies he will easily take rank with the greatest lawyers in America. Withal he is a youth of charming simplicity, and has gained the hearts not only of sister, but of Caroline, who was very improperly bent on disliking him. * * *

TO MRS. JANE PETIGRU NORTH

March 13, 1849.

On Saturday Mr. Crawford, the Secretary, passed through here. I intended to meet him at the railroad, in which I was

*Hamlet, under the training of "Daddy" Lunnon, became an expert cook; as he did not like this occupation he obtained permission to become a carpenter, at which trade he successfully worked. After a time he became a preacher and a leader among his people.

disappointed, but found him at the Pavilion, and carried him home, where he partook of a beefsteak, and we (the Captain and I) then saw him to the boat. On the way back the carriage broke down. Very fortunate for our credit that it did not occur while the Secretary was in it. * * * Mr. Polk has been here, as the papers have told you. I called on Mr. Polk, but did not go to his dinner, which was, on the whole, rather a slim thing. Not but that there was company enough, but the speeches were all very flat and in extreme bad taste. Mr. Burt passed through without stopping, and Judge Butler has not yet showed himself. Everybody seems to be pleased with the new Cabinet, and the more because it is very new, no old stagers in it. I want to get a place for little Phil in the navy, and one in the revenue for William Ross, and it will be hard if I do not succeed.

TO MRS. JANE PETIGRU NORTH

May 23, 1849.

* * * My dear child, I am writing in great pain. A severe rheumatism has for days disabled my right hand. This is the first time since Friday last that I have attempted to put pen to paper, except to sign my name. I intended to write to Mary and if I do not she will know that it is because I am disqualified. Perhaps after going to Broad street and taking a cup of tea I may feel more equal to it. We moved into the new office on the 7th and it is without doubt the admiration, if not the envy, of the city. But I refer you to Carey for the auspication of the building, which took place on the 5th.

Our cousin, Johnston, will accompany Caroline and I think you will be very much pleased with him. He is a remarkable young man. I wish him to travel for two years, for he is quite too good for the beaten track of education, to do justice to his parts. Rare abilities should not suffer for want of development and I would by no means have him pass for an unpolished diamond. I will give Carey dollars for old Tom and, that he may retail it accurately, I send it in silver.

TO MRS. SUSAN PETIGRU KING

Winsborough, 12 July, 1849.

My dear Sue:

I had just sealed a letter to Ma, when the servant tapped gently at the door and being told to come in, to my utter astonishment produced a letter from you. You will not think it strange that I was thus surprized when you understand, that before I wrote to Ma last evening, I had gone to the Post Office as soon as the Court adjourned and asked for a letter, and was assured by the inaccurate postmaster in person, that there was

no letter for me. This assurance he had given in the presence of Mr. DeSaussure and was, therefore, bound in honor to maintain that I had no correspondence in his office. And after this public declaration, I think it is rather wonderful that he had the candor to retract the story that he had told. Whatever may be thought of the struggle, which pride and conscience carried on in the worthy postmaster's mind between keeping his word and doing his duty, the letter was most welcome and the pleasure was enhanced, when, from the date I saw that you were at Sullivan's Island. All the consequences, which Caroline and Louise represented, would certainly attend a public demonstration of the want of cordiality or even of hospitable civility, between members of one family, who ought for so many reasons to be united in one sentiment. It is enough for the rich and grand to install Erinnyes in their halls. Strife sits at the table of the great, just as satiety and ennui do, but, for poor folks, such a connexion is as distressing and as much out of place as low fare and want of appetite. * * * I heartily wish that I had so much influence over you as to effect that change which, I am sure, you must desire as much as I. I mean the change that is implied in acquiring such a mastery over oneself as to suppress the rising of passion under what is at the moment offensive or disagreeable. I assure you, my dear Sue, that until you effect such a reformation in your temper, your life will be "lost in quicksands and shallows." Time, that makes an end of our being here, makes amends by many good offices and particularly by assisting those, who conscientiously endeavor to check the sallies of a too susceptible temperament. But on the other hand, when there is not a sincere and pious effort to overcome the infirmity of a quick temper, age only aggravates the evil; and we too often see even among persons not naturally of a malignant or even an unamiable disposition, instances of old age under the influence of ungovernable temper, losing almost entirely the use of reason. Don't be impatient under this lecture nor think I am unjust because I am serious. I am not so unjust as to expect from a person naturally of warm feelings, the same circumspection, that is habitually easy to a mind differently constituted, or to disguise the difficulties of the struggle by which the triumphs of Temper are gained. But it is no reason for declining a duty, that it is not easy. If no duties but such as come quite easy to us are to be kept, there would be no great merit in doing well. I am sensible dear child that you have inherited from me, much of what I am anxious that you should correct and when I touch this subject, I do it, as one that would extract the thorn from his own flesh. There is no hope of my leaving this hot, wearisome place before Sunday. My love to Caroline and Louise; remember me to Henry.

YOUR PARENT.

TO MRS. SUSAN PETIGRU KING

Columbia, November 27, 1849.

* * * You will suppose that Henry's intention of retiring [Henry D. Lesesne, his partner] is extremely embarrassing to me. If I could make it agreeable to him to remain I would certainly do so; but if he retires I do not know what I will do. * * *

The clients of the firm always desired Mr. Petigru to appear for them in court. Such being the case Mr. Lesesne felt that he was not doing his full share of the work, and desired to withdraw from the firm.

CHAPTER XXXII

1850

CALVARY CHURCH RIOT; COMPROMISE OF 1850; APPOINTED U. S. DISTRICT ATTORNEY; PHILADELPHIA ON LAW BUSINESS; SOUTH CAROLINA LEGISLATURE; TRAVELS OF J. J. PETTIGREW.

The year before the Missouri Compromise and Petigru's appointment as United States District Attorney was marked by his active, courageous check to the Calvary Church riot. The angry feelings produced by the efforts of both the Presbyterian and Episcopalian churches to provide sound religious instruction to the negroes, culminated in a riotous attempt to destroy in December, 1849, the Episcopal Calvary Church, then in the course of erection.

After prominent citizens had vainly appealed to the mob to desist, they sent for Mr. Petigru; he rushed from his office and from the steps of the City Hall indignantly remonstrated with the crowd: "How can you be such damned fools, as to attempt to destroy this Church, even if you have to set fire to the town. Have you not seen enough of fire here to be afraid of it? It is the only thing that decent men are afraid of! Men, let us call a meeting; if you are right, I will go with you; if you are wrong, you will carry out your purpose over my dead body." Hesitation ensued, debate arose, a committee of fifty was finally appointed and the crowd dispersed. This committee after collecting information throughout the South, in April, 1850, at a meeting held at the City Hall, reported that the movement for the Christianization of the negroes was deserving of support. All danger of further violence was at an end. At this meeting the Honorable F. H. Elmore,* who had been appointed to fill the unexpired term of Calhoun in the U. S. Senate, moved the adoption of the report in an eloquent speech. He was a member of the Second Presbyterian Church and had always favored the project; he was expected to speak but to the surprise of the

*He took his seat in the United States Senate on the 6th of May, 1850, and died twenty-three days later.

meeting, Mr. Petigru rose to second the motion. It was such a speech as is not often heard; the Assembly was thrilled as he poured forth his feelings; but when he said, "The liberty of teaching was good and true to all men; why, sirs, that is what brought many of our fathers here," the audience was carried away with enthusiasm. Not many words were required to be added, and the question for the separate church for the negroes in Charleston was settled for all time.

By 1850 the slavery question had become such a burning issue that in South Carolina secession was openly talked of; people became decidedly volcanic in their sentiments and Mr. Edward McCrady, who in 1834 had declined to take the oath of allegiance to South Carolina, resigned the office of United States District Attorney which he had held for ten years. In order that the operations of the court should not become obstructed, Daniel Webster, the Secretary of State, requested his friend Mr. Petigru, then the most prominent member of the Whig party in South Carolina, to recommend a man for the office. Not having been able to find a man willing to accept he was obliged to assume it himself. He appointed his son Daniel his assistant. He retained this office until 1854, when his successor, Mr. Thomas Evans, was appointed by the next administration. President Fillmore's recollection of this appointment was given in his letter of April 4, 1863, to J. C. Hamilton,* from which the following is an extract:

Buffalo, April 4, 1863.

According to the best of my recollection the district attorney of S. C. resigned about the time I came into office and knowing Mr. Petigru by reputation, I tendered to him the office which he declined, but recommended another man, whom I appointed but he declined or resigned, and after considerable inquiry no man was found who had the moral courage to accept the appointment; so strong was public sentiment against my administration and the union. I then made a personal appeal to Mr. Petigru, insisting that I must have a district attorney, for in the then feverish state of the country no one could tell how soon the services of such an officer would be indispensable to the administration of justice and the maintenance of law and order, and I urged him from patriotic motives to waive his objections, and submit to the sacrifice for the good of the country, and as an

*The eldest surviving son of Alexander Hamilton, of New York. The Hamiltons of New York and South Carolina are not related.

act of personal friendship to me, and on this appeal he reluctantly consented to take the office, and was appointed and held the office during my administration.

I regarded it then and do now as an act of moral heroism such as very few men are capable of performing, and which justly entitled him to my thanks and the gratitude of his country.

He was indeed a truly noble man, and we shall scarcely look upon his like again.

Petigru's letters concerning his appointment are in the Bureau of Appointments, Department of State:

TO PRESIDENT FILLMORE

Charleston, 18 October, 1850.

My dear Sir:

I am unwilling to let the mail close without acknowledging the honor you have done me by your letter of the 15. Tho' I can not answer all the points that you refer to, till tomorrow, because I have not yet been able to see Mr. Bryan. It is essential to have a supporter of the administration in the place of your law-officers here, and I really begin to fear that he will have something to do. But Mr. Kimhardt will not answer. The recommendations which he produced from Mr. Holmes must be set down to the influence of the hope, then pending on the Election.

With great and sincere consideration I am Dear Sir

Yours,

J. L. PETIGRU.

TO PRESIDENT FILLMORE

Charleston, 9 November, 1850.

My dear Sir:

The favor which you did me the honor of writing to me on the 4th was not received till last evening, owing to my absence. I had already addressed a few lines to you expressive of my self reproach in introducing Mr. Whaley to the notice of your administration. His rejection of the office renders it more difficult than ever to find a proper person for the place, and in these circumstances I see no course for me to advise, better than to take the appointment myself. You may therefore consider me as retracting my first answer, and declaring my readiness to serve in the place of District Attorney till a satisfactory choice can be otherwise made.

With the highest consideration,

Yours truly,

This is endorsed:

Refd. to Secy. of State to make out a commission for Mr. Petigru and send it to me and I will enclose it to him.
Nov. 12. M. F.

During the excitement of 1850 Mr. Petigru had occasion to argue a case at Chester in the northern part of the State. Passing through Columbia he took tea at the house of his friend, the Hon. Wm. C. Preston, then President of the South Carolina College. Chester was one of the most violent portions of the State and Mr. Preston cautioned him not to express his sentiments unnecessarily. "Preston," said he, "I will endeavor to control the unruly member." Some days after he returned and again took tea at his friend's house in the College campus. After some conversation on other topics Mr. Preston asked if he had been so prudent as to follow his advice. "Why, sir," rejoined Mr. Petigru, "I had reached the point of departure and gave myself credit for unusual reticence when our friend Dunnivant proposed a drink and as we lifted our glasses said, 'Mr. Petigru, let us drink to the health of South Carolina.' For my life I could not avoid replying, 'With all my heart, and her return to her senses.'"

Of the dissolution of his law firm Petigru wrote feelingly on August 7, 1850:

I have said nothing of the dissolution of Petigru & Lesesne. It really was next thing in my feelings to a dissolution of the Union. I put it off in every way, and it never would have been done if Henry had not written the advertisement and brought it to me to sign. Henry King so far behaves as well as any one could do. Henry Lesesne is still in possession of his apartment and I wish him to stay as long as it is agreeable.

TO MRS. SUSAN PETIGRU KING

Philadelphia, 12 Sept., 1850.

Dear Children:

Tho' it has been said of old times, that wonders will never cease, they can not fail to excite a strong emotion whenever they do happen; and no doubt everybody will be astonished and none more than Sue and Carey to see the Governor* outside of his own

*W. A. Carson.

Island. Yet, he is to be the bearer of this identical letter and the letter therefore, will be a test to show that you may believe your senses when you see him. I wish that we could return together, but I do not know the most eligible way of doing that. The *Osprey* will sail, I suppose, about a fortnight hence, but she is a dull thing as Carey knows, and a sailing packet, if we had such an one as the *South Carolina* with Capt. Hamilton, would be a better choice. But don't you all want to see Philadelphia again and will you not be drawn this way in spite of the dullness of the *Osprey*? * * * Gen. Hamilton is here and in very good spirits, as well he may be, for the Texan Boundary Bill will put money in his pocket,* to which, the said pocket is little accustomed. I rejoice myself in the settlement of the distracting questions, that have been before the country. Internal peace is now secured for my lifetime, as I believe, and I wish to leave the world without more broils, happy that those I am to see are no more. Adieu my dear children and write to

YOUR FATHER.

TO MRS. JANE PETIGRU NORTH

December 19, 1850.

The difficulty of answering your letter of 26th November was not so much want of time or want of something to say as want of decision, for I could not make up my mind to say that I was not coming to Badwell this year. But the dreadful time has come when I can hesitate no longer. I came home on Wednesday, which was yesterday, and found more business than I can do before Christmas and after Christmas I have not a day to spare to prepare for the Court of Appeals. So good-bye to Badwell for the year 1850. "Farewell to Lochaber," but not, I trust, to the burthen of the same sad song, "We return to Lochaber no more." No, I would be miserable if I thought so. I shall only think of you the more because I can not be with you, and don't think that my solemn settled purpose to see Badwell every year is not to be depended on any more. Consider how many exceptions there are in this case—my trips to Philadelphia and my unexpected detention in Columbia† three weeks.

There had been on the General's [Adams] part much foul play and he carried the day by eleven votes. It was easy to set aside the election, but Black claimed the seat and really proved himself entitled to it, because he had a majority of the legal votes.

*On the admission of Texas as a State its scrip rose from 17 cents on the dollar to par.

†The Columbia expedition was to conduct before the committee on privileges and elections, in the Senate, a contest for the seat of the Richland Senator. The parties were Jo. Black, a native of Long Cane, and Gen. Adams of the Fork, as it is called—a peninsula between the two rivers Congaree and Wateree.

But the practice of voting in writing by closed papers gives rise to many difficulties in getting at the truth in such cases and makes the Judges very unwilling to give the seat to one that did not show the majority of the ballots at the count. So, after examining more than one hundred witnesses the committee ended by setting aside the election and sending them both to the people to try a second ballot.

Although I was there so long I never was in a house except at the college and the hotel and the State House. I saw Mr. Preston, who was greatly improved and thinks that he can go on with the administration of the college. He withdrew his letter of resignation and the trustees expressed their satisfaction in his doing so. Our friend J—— A—— is in college and a competitor for the first honor. He is another sort of person since last summer. He wished to visit you at Badwell and * * * I backed his request. But J—— suffers for the transgressions of his class. When they were all suspended last May it was a question among the trustees whether the faculty or the boys should suffer. Many wanted to acquit the boys and as a measure of policy looked out for some good ground to censure the faculty. They hit upon the practice of allowing them to visit home at the Christmas holidays. It was an indulgence Mr. Preston was accustomed to grant without having the sanction of the rules which the trustees had made. They carried a resolution, therefore, that the rules should be strictly adhered to about holidays and the consequence is the college at this Christmas will present a scene—I fear a bad one. J—— has promised to keep his room and read Livy instead of joining in any sport. The college is no place for merry Christmas and those who will make it a solemn day will conform best to the spirit of the time in such a place.

As to the Legislature I saw nothing of them till Tuesday night, when my labors were over. I sat by Ben Martin watching their motions, which were as interesting as a wild flock or a flight of birds newly alighted in a ploughed field. They voted over and over again on the same thing—a State convention, and, though it was rejected several times, it was carried the next day, as I see by the papers. Mr. [B. F.] Perry told me there were not more than four or five Union men in the house. I am sorry to see that our friend, Henry Lesesne, is one of them. For why should all the thankless, unremunerating virtue fall to our side? I never spoke to Henry on the subject, and really supposed that he had taken the infection of the popular madness, when I was sadly undeceived by his votes. But harder even than that of the honest men is the fate of our friend, Memminger, who has said and done enough to lose himself with one sort, and is suspected by the other of being more conservative than he pretends to be. In one word they will not believe that he is a

traitor, as Barnwell Rhett proclaimed that he was. This last gentleman, too, has his cup dashed with a bitter taste even in the act of raising it to his lips. There were but two candidates, Rhett and Hammond, and yet it required four ballotings to get an election. This could not have happened if so many people—about one-third of the whole body—had not thought that neither was fit for the place. Nothing is more calculated to inspire confidence in them that look for a reaction than this very circumstance. The whole Legislature, with very few exceptions, are declared disunionists, yet they object to Barnwell Rhett because he was so violent. I infer from this that they are not so mad as they affect to be, and that with a great deal of real malice there is also a good deal of acting.

I have had a letter from Johnston,* who has returned to Berlin from a long excursion into Hungary. He gives me an account of his journey, but I must say that Johnston will have to pay a great deal of attention to style before he learns to write a good letter, and before he becomes an agreeable correspondent he must be more legible. In some parts he is as hard to construe as Barnwell Rhett, whose hand, you know, is no more accessible to common readers than Egyptian hieroglyphics. * * *

*J. Johnston Pettigrew.

CHAPTER XXXIII

1851

MURDER CASE AT CAMDEN; HIS NEPHEW; PHIL PORCHER

TO MRS. JANE PETIGRU NORTH

[Camden] April 5, 1851.

This is the second day of the Court and the Grand Jury has found a bill for murder against the person I have come to defend. We go into the trial in the morning and when you receive this letter you may suppose me surrounded by the dense crowd, whom business and curiosity have collected to hear this case—with Judge Wardlaw on the bench, and lawyers wrangling and witnesses swearing, and the prisoner, a young man, upwards of six feet high, sitting in the dock waiting for his fate. It is probable that the case will take two days, and I hope it will not take more, and if so I may get home on Friday, but Saturday is more probable. I never was here before. It is a stationary place. Some planters have good houses and there are 3,000 or 4,000 inhabitants, and there is DeKalb's monument and the house that Cornwallis occupied, which is still called after his name. I found very good lodgings at the inn, which bears the name of the Wateree Hotel, and my old student, James Chesnut* is very obliging and attentive. But you must not confound him with the inn-keeper, for he belongs to the aristocracy, is one of the lawyers engaged in the case, a man of consequence here and in Columbia.

TO MRS. JANE PETIGRU NORTH

April 22, 1851.

* * * Our plans seem to be settling on an island residence again. I think sister has given up Virginia for a family that I have bought. A woman of very good qualities and five children. It has been a long discussion. I was much averse to it, but sister's perseverance and the poor woman's anxiety have carried the day. After she got into the house we could hardly do otherwise than purchase, though the price is like money thrown away, for an increase of servants is only an increase of expense. But

*A United States Senator, 1860; and during the war Brigadier General and aide to Jefferson Davis.

I doubt if one thousand nine hundred dollars worth of medicine would have done sister as much good. * * *

I have forgot my taxes. You may pay all in your name, or pay for each distinctly, but let me request you to make the payment. I can not pay here and do not wish to cheat the State; it is enough for the Secessionists to do that.

TO MRS. JANE PETIGRU NORTH

May 14, 1851.

My dear Sister:

I have just returned from Washington, where I spent Thursday, Friday, and Saturday last. The first person I saw was Mr. Webster and the last was Gen. Scott. The very evening I arrived I called on the President and spent three hours with him, which he had the politeness to say that he could not have spent more agreeably. Our conversation was all about the State, however, and I made no interest with him for anybody. * * * Mr. Webster looks like a person who is breaking, and if he does not meet with rest I am afraid his strength will give way. * * *

Gen. Scott arrived in Washington from a journey of forty days on Saturday and came immediately to see me. I was dining with Mr. Webster, but as soon as I came to my lodgings and heard it I posted off and found him at home and stayed with him a couple of hours. I did not beg for Phil, though I had it always in my mind and only wanted to make sure of my aim before I said anything. * * *

I have said nothing of politics, but the general opinion here is decidedly against the late Convention, and there is no doubt that the public mind is cooling. * * *

TO PHILIP PORCHER*

Charleston, 16 June, 1851.

My dear Phil:

By this mail you receive a communication fraught with the most important consequences, whether for weal or for woe, and which must seriously affect the future course of your life. It is nothing less than a notification from the Hon. Mr. Graham that you are to be admitted to the honor of standing an examination for the place of a midshipman in the U. S. Navy. I hope the examination will be no trial of your depth in letters, for they do

*Philip Porcher graduated first in the class of 1855, of which T. O. Selfridge and E. P. Lull were members. He was lost in September, 1863, by the foundering of the Confederate blockade runner *Juno*, on the voyage between Charleston and Nassau. His classmates, after the war, always spoke of him with the greatest respect and regard.

not seem to think that much learning is requisite as a passport to the Steerage. Nevertheless, my dear Phil, as you have no time but what remains between this and October, to finish your grammar school education, you ought to redouble your exertions now, and lay in all the Latin and philosophy that you can master, before you go to sea. You will have an opportunity after you are admitted into the service, of learning geometry and something of astronomy. But, all that is taught in the naval school, has reference to science, as contradistinguished from literature. Now, the things which you will be taught with reference to your profession, are necessary and you will have to learn them, and they confer no distinction among nautical men, because they all know them, of course. But, the things, which are learnt at grammar school, Latin and Rhetoric and History and Geography and Logic are the marks of a polite education, and confer distinction on an officer that possesses them, which is very soothing to the natural feelings of men. Therefore, you should work now, as the farmer does, who has only a few hours of daylight, and must finish his task before the night closes in. From your conduct now, I shall draw an augury of what your future life will be. If you throw down your books and conceive that you are emancipated from the toil of thinking and have scope for enjoyment, without the fear of the schoolmaster, I will be sadly prepared to see you turn out a drone and a hanger-on upon the service. But I trust that very different feelings will occupy your mind, and that you will look upon the good fortune of gaining admission into an honorable career, as only valuable because it will enable you to rise to eminence and distinction. It is true that all can not expect brilliant opportunities. You may never have the good fortune to enter the harbor of Charleston with the wreath of victory suspended from your prow, but it is the spirit of emulation, the love of honor and a generous ardor for distinction, that makes a man's character and stamps him with superiority. We are not all equally fit for all things. You have hitherto discovered traits that imply an inclination for an active, rather than a studious life, and we have consulted the bent of your inclinations, by getting you a place in the navy where the love of action will have full room for development. But you must not suppose that an active life is the same thing as a life of enjoyment, much less of pleasure. No, far from it. The severest study is not more at variance with a life of idleness, than an active life with the pursuit of pleasure. You have chosen a profession, in fact, that is full of hardship, and the first steps are very slow and very heavy. It will require all your fortitude to keep from repenting of your choice, and to bear up under privation and weariness of spirit. But, honor is not honor for nothing, and if you can not suffer with patience, you will never know what it is to earn praise, and

enjoy success. I hope, dear Phil, that our expectations of you will not be disappointed, and, as we have received this mark of Mr. Graham's kindness, at a time when our hopes were almost extinct, we may hereafter bless the day that brought his warrant, as the commencement of your rise and progress in the navy. Study history and rhetoric, and improve yourself as if you never forgot that life is a duty, and that there is no sure road to happiness, but by the path of duty. You must take care to write to Mr. Graham immediately. You must address it to the "Honbl. W. A. Graham;" begin, "Sir" or "Honored Sir," and say, "I feel highly honored by your official note of the 10th inst., conveying a notice of the great favor done me, by allowing me to be examined for admission into the Navy of the United States as a Midshipman. I beg you to receive, with my sincere thanks, the assurance, that I will accept with pride of the offer, and not fail to appear at the examination," and sign yourself "Your Obt. Servt." Having filled the sheet, I have nothing more to say than that, I am, dear Phil,

Your affectionate uncle,
J. L. PETIGRU.

TO MRS. JANE PETIGRU NORTH

December 9, 1851.

They are going to call a Convention. I always thought they would; and the Convention can only do mischief. How much, no one can tell. We ought to give thanks, with grateful hearts, that the rest of the country is imbued with more sense and a higher notion of social duty than South Carolina.

CHAPTER XXXIV

1852

CRYING SPEECH; WHITE SULPHUR SPRINGS; DEATH OF MR.
WEBSTER; CALHOUN MONUMENT

TO MRS. JANE PETIGRU NORTH

Charleston, January 8, 1852.

* * * U—— has abandoned his appeal and I have not to repeat my crying speech, and Mrs. W——, relieved from suspense a fortnight sooner than we expected, embarked on Thursday for Philadelphia, with her children. You can not conceive how great the relief was to me, who was in terror about speaking again, when my first speech had been praised so ridiculously beyond its merits. * * * I embrace the sisterhood and girlhood, embracing Mary Blount with the other Marys and remembering Cedar Hill, while commemorating Badwell; and including Louis in the parental sentiment, with which I am, dear Jane,

YOUR BROTHER.

Mr. Petigru was never commonplace. In listening to him even upon ordinary occasions one felt the power of a high moral nature and of a superior mind. At times he rose to greatness. One of these efforts the writer enjoyed the privilege of hearing, his speech in the case of Mrs. W——, mentioned in the above letter. Driven to desperation by cruel treatment she had fled with her children from her husband's roof under the protection of two gentlemen of the vicinity and taken refuge in the city of Charleston. The husband followed and took out a warrant to keep the peace against the gentlemen who protected her, under color of which the constable possessed himself of the children. She at once came to Mr. Petigru, who sued out for her a writ of *habeas corpus*. The case was heard at Chambers before Judge Whitner. There was no crowd who could be roused to madness and carried off their feet by contagious sympathy. Besides the parties interested, a few lawyers and students constituted the audience. In view of the notorious unfitness of the husband in this instance Mr. Petigru contended that the Court

would at least replace the parties in the position in which they were before the illegal act of the constable. When he rose it was evident from the convulsive movements of his lips how intensely he felt; and when, after enumerating simply and evidently with suppressed emotions, the various acts of brutality to which his client had been subjected, he pointed to her as she sat beside him, soon to become again a mother, and asked whether the child unborn should be seized by such a father? Judge Whitner, who was of a very tender heart, wept until the tears streamed down his cheeks and there was scarcely a dry eye among the audience.

TO MRS. JANE PETIGRU NORTH

Broad Street, July 17, 1852.

* * * The Gen. Pierce who is the Democratic nominee is as obscure a man as any person in the United States that ever was a Senator or general. He was, years ago, a Senator from New Hampshire, where he lives. Since that time he has been a general in Mexico. He is a drinking gaming sort of person, opposed to the religious tendencies of his age and country, and as in Catholic countries Atheists pass for or shelter under the name of Protestants, Pierce is covered by the mantle of the Constitution and by opposition to abolition and free soil. It will be a singular thing if the Whigs carry two elections in succession, and very singular if both candidates are from New Hampshire. But I predict that Gen. Scott will be our candidate; and Mr. Webster will not be nominated by the South, because he can not get the North. There again is a strange display of the want of reason in reasonable beings. The North are prouder of Mr. Webster than of any other man among them, yet in the distribution of honors both parties give him the go-by and pitch upon common men. We have heard nothing yet from the Whig Convention, but I predict that the news will be carried up by Harriet, if she stays a night in Augusta, for I think they will get through their nomination today. It is my fate to go to Virginia, and I presume Sue will go with us. My love to the sisterhood and childhood all round.

YOUR BROTHER.

TO ALFRED HUGER

White Sulphur Springs, 8 Sept., 1852.

My dear Huger:

* * * Singleton has been ailing since Sunday last. We can not get him to see a doctor, and he has only just consented

to take a blue pill of my wife's prescription. When urged about a doctor, he repeats John Randolph's sentence, who consoled himself on the death of a valuable overseer on hearing that he had not seen a doctor, saying, that he must submit since the man had a fair chance. The company is dwindled down to 150 or 200. We will stay a week longer at least, and then, probably to the Warm Springs for as long. * * *

There has been more than one fuss out here, and our countrymen each time, had a hand in it. Indeed there are more South Carolinians here than any others; many more than I know.

TO MRS. JANE PETIGRU NORTH

Charleston, October 27, 1852.

My dear Jane:

I am ashamed of being at home four days without writing. We arrived on Friday night (22d). There was a great deal to hear and see, and on Monday came the news of Mr. Webster's death, which I confess weighed me down under the influence of many conflicting emotions. I could not but think how great a man he was, how true to the great interests of his country, and how little justice he had received, at least from our countrymen. He had given a proof of disinterestedness which no man from this State ever gave. He had offended his friends in maintaining an unpopular cause. And what is truly discouraging, as far as reputation in this latitude constitutes fame, he was not so well off as even to be neglected, but was actually represented by those, who had never given an instance of disinterestedness in their lives, as a selfish politician. Pondering on his life, and the close of his career so soon after that of Mr. Clay, was enough, I think, to justify a feeling of discouragement. * * *

Mr. Petigru's manners were warm and hearty; often impulsive, and sometimes bordering even upon the hilarious; and yet no man stood more upon social form and ceremony than he did. I remember on one occasion a young gentleman in the office announced to him that "Colonel" Grayson had called. Instantly, with an expression of assumed distress upon his face, he said to him: "Augustus, spare him. I am sure he never held a commission in his life and would feel like a dove in epaulettes." On another occasion a student in the office* had nursed a virgin beard into a hopeful growth. One day Mr. Petigru stopped, looked at him with a twinkle in his eyes and said to him: "Julius, shave; were you a young cornet of horse I should say

*J. B. Allston.

nothing, but for one following a civic profession to carry a bearded face is not good form."

During the winter of 1852 there was great rivalry among the schoolboys in the collection of funds for the Calhoun monument. Mr. Petigru disapproved of giving tips to children, and as he generally spoke to them in an ironical manner, they invariably stood in great awe of him with the exception of his elder grandson, William, who was somewhat devoid of veneration. William boldly asked him for some money for the monument. Taking from his pocket two old coins worth twelve-and-a-half cents (called a sevenpence) he gave one to each of the boys, and said, "Willie, I hereby authorize you and James to contribute six and a quarter cents apiece to the fund for the monument of John C. Calhoun, and the six-and-a-quarter cents remaining are left to your own ingenuity; you can put them in your pockets."

CHAPTER XXXV

1853

VISIT TO GOVERNOR DAVID JOHNSON; THE KOHNE CASE;
"THE BUSY MOMENTS OF AN IDLE WOMAN"

TO MRS. JANE PETIGRU NORTH

Charleston, 10th September, 1853.

You see, my dear, that my peregrinations are over at last and I may add that I landed safely on the Island in the 3 o'clock boat yesterday. The course of things after Louis and I parted was generally smooth, though we found the Pacelot River rough and crossed by the exposure of the horses to risks that I would not have exposed mine to, and by sending over the baggage in a canoe, and following ourselves in a second trip, crouching in bottom of the frail bark and looking with fearful eyes at the rapid current that could have swallowed us up in a twinkling. The good old Governor* was rejoiced to see me, and I stayed with him two days, and in a great measure persuaded him to come and spend the next winter in Charleston. In this respect I think my visit was of some value to him in increasing his confidence in the friendship of the people here. There was nobody with him but Mrs. David Johnson, his son's wife, and her sister, Miss W——, a young lady that has been to Washington, and learned to talk like a book. * * *

I embrace the girls, and, commending myself to the Captain's recollections, am, my dear sister, as ever, affectionately,
YOUR BROTHER.

Instead of setting down our case for the first Monday it stands for the third Monday of October. Therefore I shall not leave home as soon as I expected.

On the 12th of September, two days after the date of this letter, James Louis Petigru, Jr., was accidentally drowned in Little River, on his father's farm of Cedar Hill, age 21.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, November 8, 1853.

* * * You will hear that I argued the questions growing

*David Johnson, Dec. 1846-Dec. 1848.

out of Mr. Kohne's will, on the issue of which a good deal depends, and that we carried our point and had the bill dismissed. But the Judge did not pronounce a masterly decree and show the adversaries how untenable their position is. Therefore, it is probable that they will appeal and carry the case to Washington, where it will not be heard until 1855, if then.

In the arbitration case I had the satisfaction to find that Mr. Cuyler was right and the award was unanimous. It disposed of \$40,000. I was very sorry that Mr. Morse, the inventor of the telegraph, was a loser, perhaps the heaviest loser, by it, though the management of the matter and much of the interest belonged to the famous Amos Kendall and the award condemned his acts as illegal. * * *

The case was heard in Philadelphia. Mr. Eli K. Price, of Philadelphia, as attorney of some relative of the testatrix, opposed the acts of the executors, who employed as their attorneys in Philadelphia Mr. Guerard, and in Charleston Mr. James Louis Petigru. Finally, Mr. Price succeeded in getting his contest before the United States Supreme Court in Washington. Mr. Guerard informed the executors that he could not go to Washington, as Mr. Petigru was the man for the occasion. Mr. Ravenel called on Mr. Petigru and told him of the necessity of his arguing the case before the Supreme Court. Mr. Petigru promptly refused to do so. Mr. Ravenel urged him. "Why, Ravenel," said Mr. Petigru, "shall I go and risk my little reputation against those giants in Washington?" After a pause Mr. Ravenel said: "Mr. Petigru, if you go to Washington a fee of \$10,000 is yours." Mr. Petigru was seated; he was still for a few moments in deep thought. He arose and paced the room for a few minutes in silence, and then said: "The village lawyer can not resist a fee of \$10,000. Ravenel, I believe you are trying to rob the church, but I will go." He went, and won the case.

Mr. J. Prioleau Ravenel kindly furnishes two incidents connected with this case.

Mrs. Kohne left as her executors Dr. Meigs, of Philadelphia, and Mr. William Ravenel, of Charleston. Dr. Meigs said that all of the wine of the estate, which should have been a large quantity, was by Mrs. Kohne's will to be divided between her two executors. Mrs. Kohne was in the habit of leaving Phila-

delphia frequently and for months at a time. Her colored servants, in her absence, used to occupy the whole house and keep high carnival.

When the wine was to be divided, it was found that every bottle had been emptied of its rich contents and filled with water, except one. The Doctor also said that Mr. Ravenel, with great self-denial and courtesy, had insisted upon his accepting the only evidence that the estate was in possession of wine, the one bottle found.

TO MRS. SUSAN PETIGRU KING

St. Michael's Alley, 18 November, 1853.

My dear Sue:

* * * You have burst upon me as an author* almost as surprisingly as Miss Burney did on her unsuspecting parent. So little was I anticipating such a thing, that, if Caroline had cared to preserve the incognito, I don't know but what I may have gone through it as innocently as Ma, who thinks it very good, but has never asked a question about the authorship, considering that the name would be to her a sound without meaning, just the same as the information that the book was the work of somebody. I have no doubt you will receive a great deal of praise, for the dialogue is witty and sparkling, and the descriptions circumstantial and striking. I dare say that if you were to take to study, you might, in time, attain to the delineation of the passions and rise to the walk in which Miss Austen is admired. But it is something to do as much, though in a lower style of art, and tho' your performance is indebted for its success to the initiation of temporary evanescent modes of behaviour and can hardly be expected to survive the present fashion, it will be remembered longer than anything that any of the rest of us have done. And that is something that lays your kin under an obligation and is felt with pleasure mixed with pride by

YOUR FATHER.

P. S.—I believe that the interest would be better kept up by standing in the reserve and making the authorship a sort of secret. It can't be more, considering how many are in the plot.

*"The Busy Moments of an Idle Woman," Harpers. The name was suggested by her sister, Mrs. Carson.

CHAPTER XXXVI

1854

**BORROWING MONEY FOR CLIENT; CASE AT WALTERBORO;
SPEECH AT SEMI-CENTENNIAL OF SOUTH CAROLINA COLLEGE;
DINNER WITH GOVERNOR MANNING; PREVENTING A DUEL;
THE GENUS "RICE PLANTER"; GRAYSON'S POEM**

TO MRS. JANE PETIGRU NORTH

Charleston, January 28, 1854.

* * * I had just been reading your letter, and recollecting what you said of Charles only needing more negroes to make as much money as he pleased, was inclined to wish that Dick's thirty-six negroes were on the lake. But when I reflected that negroes are now six hundred dollars a head, I thought that I would always rather see a stranger buying at that price than a friend. Our friend Phil has been buying out his neighbor, Hedley—\$8,000 for the whole subject. I suppose it is a saving purchase, because he can sell the negroes and keep the land at a low figure. * * *

I was in Savannah a month ago to-day. It was to give Cliffy Postell* away and give the ceremony all due honor that I yielded to their wishes and went on Monday and returned on Wednesday night's boat. They are now all here. Mr. and Mrs. King have behaved very handsomely by the young lady. They have received her with warmth and all her family with attention. * * * You seem to think I am bound for Washington, which is not so. I have no design to see it before next January, when Mrs. Kohne's case is to be argued. * * *

YOUR AFFECTIONATE BROTHER, J. L. P.

It was about this time in his practice that an incident occurred which illustrates the felicitous manner in which he disarmed opposition by a happy remark. J. Harleston Read, Jr., was for years a member of the Legislature from the parish of Prince George Winyah. Colonel Commander was a prominent local politician in that section, and Mr. Read had gone on his bond. There was default in the payment, and Mr. Petigru was em-

*Mrs. Petigru's niece, Miss Clifford Postelle, married Mr. J. Gadsden King. Their son, Alexander C. King, is a distinguished lawyer of Atlanta, Ga.

ployed to sue the bond. So busy was he in Charleston that he very nearly forgot all about the Georgetown Court. Late on Saturday he remembered the engagement for Monday, and taking a carriage drove to the Thirty-two-mile House and thence, early on Monday morning, reached Georgetown in time for Court. The first person he met as he descended from the vehicle was J. Harleston Read, Sr., who advanced toward him with outstretched hand, saying: "Why Mr. Petigru, what has brought you to Georgetown?" "I have come," said Mr. Petigru, cordially grasping his proffered hand, "I have come to help our friend Harleston to pay his debts."

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, July 29, 1854.

* * * I have been preparing to leave and have got nearly everything ready—even to summer reading. I bought this morning "Dr. Kane's Expedition to the North Pole in Search of Sir John Franklin," which I thought would be an agreeable solace of the dog days. * * *

I hope, dear Jane, to embrace you all in a little more than a week, and in the meantime let sisterhood and girlhood and everything that has a hood, down to little Scuppernong, be assured of the sympathy and love of, dear Jane,

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, November 13, 1854.

* * * My dear sister, I am in great trouble; my speech for the 4th December is not yet written,* and my mind is not warmed with the subject. I am in dread about it. But I must shake off the incubus of irresolution and set to work.

TO MRS. JANE PETIGRU NORTH

Columbia, December 2, 1854.

My dear Jane:

* * * I completed the draft of my speech before I left town. I am to deliver it on Monday, after all the boys have spoken. It will not be long and if it was, it would have been shortened; for, after seven speeches from those in whom the

*This was the address he had been asked to deliver on the occasion of the fiftieth anniversary of the South Carolina College.

audience take a great interest, it will be rather difficult to bespeak attention for one that they care nothing about.

So, Mary, like one of those wise virgins, had oil in her lamp to burn a whole week, under Mr. Baker's preaching. I do not wonder that you found him impressive. He is a great orator. It is a gift. In my speech I shall celebrate just such another—George Davis—who died very young.

It is hardly worth mentioning that I came here with a violent cold. My speech in the Federal Court was more exhausting for that reason. But I went, after court adjourned, to the Governor's* to dine, and whether it was the wine or the compliments, both of them being what I was not used to, at least for ten days before, I came away a great deal better, and am still improving. Judge Butler was one of the party. He left this morning. He is still as good company as ever, tho' he looks a good deal older every time I see him. As soon as my exercise at the College is over I am going home and expect very soon to be called off to Washington. Johnston, in the absence of his partners, carries on the business of the office with success. It is a matter of doubt whether Dr. Thornwell will be allowed to quit the College under a year, as he is bound to give a year's notice. We are very unwilling to part from him, not knowing where to turn when he leaves us. It is to be decided tonight. Adieu; love to Mary and the children, and, dear Jane, the affection is yours of

YOUR BROTHER.

TO WILLIAM ELLIOTT

St. Michael's Alley, 9 Decr., 1854.

My dear Elliott:

There is a blind quarrel, growing out of a dispute about a bridge, between Dr. DeSaussure and our friend, William Heyward† of Pocotaligo, a neighbor and friend of your son. A young gentleman of the name of Hutson is likely to come in as a combatant and he and Heyward will be likely to fight, if friends do not intervene. The only way to do it is, to apply to the Seconds, making a call on them to submit the matter in debate to a board of honor. Heyward's friend is George B. Cuthbert. Who is likely to be Hutson's, I don't know. If you would get some of the gentry thinking like you, to interfere with you and call on the Seconds strongly, they would be sure to obtemperate to your views and save the effusion of blood. But such things can only be done by men of weight and I don't know anybody but you, who could in that region assume to lead in such a

*Gov. John L. Manning, 1852-1854.

†On account of his irascibility he was known as "Tiger Bill."

course. The whole quarrel is ridiculous. Dr. deSaussure sued Heyward for his horse, which shied at the bridge and ruined some of his legs. Heyward says the bridge is a capital bridge and the horse notoriously scary. He, planter like, took no notice of the Writ and the case was tried without a defence. Such a thing always breeds ill will; taking a judgment on *ex parte* evidence is sure to create fresh quarrels, unless the defendant meant to submit to the very thing which the plaintiff wanted. Heyward, in consequence, is so morbid, that, not content with talking of what he considered a mean thing, he stuck up placards about deSaussure and Hutson, his witness. Hence the trouble. I know that I am taking a very strange step, to invite you to so troublesome a part, without even knowing whether your opinion of Mr. H. is in agreement with my own. But in the cause of benevolence, some risk must be run, if a body would do any good and I am very sure you will make all allowance for my precipitancy. The standing of the quarrel between Heyward and Hutson would necessitate a settlement all round and prevent what is even worse than a duel—an action for defamation of character. I hope that you are at home and enjoying this fine weather.

Yours truly,

TO WILLIAM ELLIOTT

Charleston, 14 December, 1854.

My dear Elliott:

I can not sufficiently express the thankfulness that I feel, in reading your letter of yesterday, to think there is, at least, one man of heart, to interest himself about what concerns a fellow mortal, though it concerns him in no other way. I have no doubt that your intervention will be efficient. I don't wonder that you had received no answer yesterday, for, the cartel had not been exchanged. You understand, my friend, W. H., as well as if you had studied his life. He is, in fact, a live specimen of the genus Planter, with many robust and sterling qualities, which have been kept obscured by the solitary life of people that live in the forest. There is no doubt he is wrong in the invectives, for I can call them nothing else, into which, he has been provoked by losing the game at law in consequence of very close play. But, I sincerely hope that you will bring Dr. deSaussure's case under the same pacification with the rest of the quarrel and without opening the Verdict, for tho' he wants the Verdict opened, that would be to stir the embers of the quarrel anew.

* * * By the way, my Address or Essay, before the College, will be printed and you will see a great deal about solidarity

in it. Have you heard of our friend Grayson's poem?* It is truly something surprising. The easy flow of his verses would imply a long proficiency in the art and his sylvan and aquatic scenes are truly worthy of the pastoral wreath. We both figure in it and there are some lines which will, probably, be put to the credit of some of his quondam nullifying friends. I would be too happy to spend Christmas or any holiday with you, but, on Saturday morning, I take the cars for Washington, to argue a case in the Supreme Court. Wish me luck, for, much depends on it for the future of

Your friend,

"SEMI-CENTENNIAL CELEBRATION
OF THE
SOUTH CAROLINA COLLEGE."

ORATION

DELIVERED BY

HON. JAMES L. PETIGRU.

CHARLESTON, S. C.

WALKER & EVANS, STATIONERS & PRINTERS
1855

When Alexander the Great complained of his illustrious master, for having exposed philosophy to the knowledge of the vulgar, he uttered a sentiment familiar to antiquity, and in complete unison with the spirit of the age. The principle of exclusion pervaded all early societies; hence distinctions of caste—of classes—of orders and sects. Even superstition had erected no bar against common right; opinion in some degree, supplied the place of laws, and the learned who considered themselves a class, were little disposed to share with the multitude the accomplishments by which they were honorably distinguished. Such was the spirit of antiquity, and such the way of thinking in the Middle Ages. But since the revival of letters, there has been a steady and progressive tendency, to a more liberal view of social duty. Society is thought to owe more to its members, and individuals are taught their solidarity in the duties which unite society. Government is held responsible for the evils which it has the power to remove, but suffers to exist; and the duty of government is the exponent of that obligation by which all the members of society are bound to one another.

It is consoling to reflect on the changes which have been operated in a long course of years by the influence of this principle. The debtor, the lunatic, and the criminal have felt the frequent influence of the change.

*"The Hireling and Slave," John Russell, 1854.

Misfortune is no longer confounded with crime; the barbarous laws that submitted the debtor to the cruelty of his creditor, after having long excited the abhorrence of mankind, are by general consent laid aside. The sphere of charity is extended to the inmates of the asylum; and force is restrained even against those who are bereft of reason. Nor is crime itself excluded from the pale of humanity. For ages no voice was raised in favor of the vanquished and the weak, except in Schools or Churches; but now, statesmen have learned to venerate Humanity, and the people to feel for the rights of their common nature. But nowhere is the triumph of Humanity more signal than in this, that the obligation of educating the people is now freely acknowledged.

It was no proof of narrow bigotry then on the part of the magnanimous Conqueror and Builder of cities, to consider philosophy the privilege of greatness; and ignorance the proper lot of all who were not raised by fortune above the reach of sordid cares. Such was the sentiment of the age in his time; and if a more liberal and generous way of thinking characterizes the opinions of rulers in the present day, we are indebted for the change to the spirit of the age in which we live. But the spirit of the age itself depends no little on the state of education. Public opinion does not represent the ideas of the majority; for the majority is made up of individuals who do not think alike. The diversity of private sentiment is endless and proverbial; but public opinion is something definite and intelligible, not a mere aggregation of inconsistent things. It is a motion produced by the collision of opposing forces—a spirit distilled from the fermentation of various elements but differing from them all. And the spirit of the age represents not the opinions of any particular portion of the civilized world; but the general tendency of the human mind at a particular era. But education is the external power that gives activity to the intellect, which produces that fermentation of the mind out of which opinion proceeds. Therefore the spirit of the age is modified by education and an improvement in education is not only a positive gain, but an evidence of general progress—for as education improves, the spirit of the age will partake of that improvement.

But of all social improvements, the greatest is the diffusion of light—the increase of the educated class. To educate is to civilize—and to add to the number of educated persons, is to advance the boundaries of civilization. To educate is to develop the faculties of the human understanding; and to extend the blessings of education, by making it universal, is to raise the people in the scale of being. Who, then, can doubt that it is a duty to educate the people, or deny that the obligation which this duty imposes is binding on the high and low, the governors and the governed? This is solidarity. It is the bright side of

Democracy, and if Egotism and Envy could be chained below, there would be but one opinion of it.

It was in the year of 1801 that the initiative was taken in the first Legislative Act for founding this College. The period is remarkable as corresponding with a transfer of civil power—with a revolution that changed the relations of the parties which then divided—perhaps to some small degree may still divide the opinions of men—if not in this, at least in other States. It was in a House of Assembly, where the victorious party held yet only a divided rule; and their adversaries, though vanquished, still kept the field; that this great measure was originated. It came like the last will and testament of the expiring party; and sounded like a proclamation of the conquerors, announcing the terms granted in the hour of victory. It is fortunate to find hostile parties agreeing in a great principle. Indeed it is a proud reflection that whatever may be the extravagance or madness of party, opposition to learning is no instrument of popularity in America.

But though the spirit of our countrymen is too high for an alliance with ignorance, there were not wanting objections, both popular and specious, to the endowment of this College out of the public Treasury. The immediate benefits of a college are received by those only who are educated in it; the number of these must necessarily be few; and the assistance which they derive from the State, is a species of Protection, rendered still more invidious by the fact, that it is in a great measure confined to those who are already in a more eligible situation than the generality. In such circumstances the opportunity for appealing to prejudice was too favorable to be neglected. The pittance wrung from the hard hand of reluctant poverty it was said, was to be lavished on the education of the rich. Those who were in possession of the advantages of education were to levy a tax on the poor, to perpetuate those advantages by educating their sons at the public expense. The majority were to bear their full proportion of the Burthen, but the recompense was most unequally distributed. And these topics might be urged with more show of reason, because there was then no provision for common education by means of Free Schools. It *was hard* that the rich should be assisted by the public treasury in giving their sons an education suitable to their situation in life; while the children of the poor were taught at their own expense. It *was strange*, that the State should come to the aid of the rich; and leave the poor unassisted to struggle with their difficulties. With that class of politicians who think that the public welfare is best promoted by leaving every man to take care of himself; and with all those who disclaim a Solidarity in the obligation of the State to its members, these objections might have had great

weight. Let us do justice to the wisdom and foresight of the men of 1801, who rejected such ungenerous counsels.

It is our grateful task to commemorate the virtues of our Founders—to celebrate the triumph of liberal principles over a narrow, egotistic policy and to mingle our congratulations over the fiftieth anniversary of the day when South Carolina College welcomed the first student to its hospitable halls. If any doubts were entertained of the expediency of establishing this seat of learning at the public expense they have long since disappeared. No one now doubts that it is the duty of the State to make liberal provision for the higher branches of education. Such provision must be made by the State, because such establishments are too costly for individual enterprise. The enterprise of individuals, sustained by the prospect of commercial profits, may scale the mountain barriers that vainly interpose their heights to the invasion of the Engineer and the progress of the Railroad. But the hills of Parnassus are proverbially barren and literature tempts no capitalist with the hope of dividends. Without the patronage of the State it would be impossible to erect the costly buildings, to collect the learned men and supply all the materials requisite for a seat of learning adapted to a high and comprehensive seat of study. And if it be asked for what use such a college is wanted the answer is that such an establishment is necessary to the progress of improvement. Curiosity is the spring of literary and scientific research. It is excited by the knowledge of what has been discovered—by acquaintance with the methods of investigation—by emulation and the intercourse of kindred minds. It is in colleges that these causes are in full operation. They stimulate activity, keep pace with the improvements of the age and furnish inquiring minds with the means of further progress. It is a law of our nature that, if society be not progressive, it will decline. Colleges, therefore, are institutions of necessity, and where they answer the purposes for which they are founded amply repay the generous patronage of the public, although they add nothing to the stock of material wealth.

Fifty years have passed and we have crossed, for the first time, the threshold of the new Hall, where the future anniversaries of this College are to be celebrated. The old chapel and the early days of this institution will henceforth be invested with a sort of historical interest. When we survey the flowing river we are prompted by a natural curiosity to know from what distant springs it takes its source, and I revert from this splendid dome to the Incunabula of our College with more pleasure, because it affords the opportunity of rendering the poor tribute of posthumous applause to the memory of its first president, my revered master.

Jonathan Maxcy exerted no little influence on the character

though he scorned the flowers of fancy his heart was susceptible to friendship. Whether from the neglect of those studies which are most proper to secure for one's sense a favorable reception "*delectatione aliqua allicere lectorem*" or from indifference to popular arts, he did not make on the public an impression in proportion to his power or the judgment of his fellow students. And he that would have guided with a steady hand the helm of State was confined, with a solitary exception, to a private station. And those powers that would have regulated the finances of an empire or organized the march of Armies were limited in their operation to the acquisition and management of a colossal fortune.

Among those now no more, but then the pride of the College, who would fail to recognize the large figure of Charles Dewitt, radiant with youth, and sedate with reflection? The dignity of manhood marked his steps and the warmth of youth animated his conversation. By his fortune placed above the care of money, by the elevation of his mind above the allurements of idleness or dissipation, he seemed a youthful sage, neither ascetic nor devoted to pleasure, cultivating knowledge for its own sake and cherishing virtue as its own reward. In his case imagination could easily anticipate the work of time and conceive of the youth already grave beyond his years, as surrounded with the honors of mature age, and then the image would suggest the principal figure in the glowing lines of the poet:

"Ac, veluti, magno in populo quum saepe coorta est
Seditio, saevitque animis ignobile vulgus;
Jamque faces et saxa volant; furer arma ministrat;
Tum pietate gravem ac meritis, si forte virum quem
Conspexere, silent; arrectisque auribus adstant;
Ille regit dictis animos, et pectora mulcet;"

But he was not destined to see that day and an early death deprived the State of one that seemed to be born for a part so noble and not unfrequently needed.

Nor in this retrospective view would it be possible to omit the most careless of students, the most ingenious of men—Charles Stevens—absent-minded, forgetful of College bell or College exercise, but never at fault in detecting a sophism or weaving the chain of argument. In after times, when he would rise in the Legislature, on some knotty point of parliamentary or constitutional law, the absence of all ornament of speech or gesture and of all attempts at the arts by which an audience is flattered, could not prevent him from being listened to with profound attention. No man wielded a keener dialectic; the blade glittered to the eye, but the weapon was held in a harmless hand. Had he been bent on cutting his way to distinction by subverting the existing order of things the social fabric would have had

no more formidable adversary. His dialectic would have hardly been resisted by any establishment, because all things mortal contain some error, and to the keen logician every weak place furnishes a point of assault and an opening to the enemy. But Stevens was conservative—the severity of his logic was tempered by the mildness of his disposition. He lived in peace, which he loved, and died surrounded by affectionate friends, who admired his genius but valued more the qualities of his heart.

Nor should Waring be forgotten, already skilled in the knowledge of human character. His observant spirit naturally led him to the study of medicine, in which he rose to high and merited distinction in Savannah. Nor the noble-minded DuPont, of kindred race, but of warmer temperament, who also chose the path of medicine, but was too soon removed to reap the honors, civil and professional, which he was so well qualified to win. Nor Miller, even then remarkable for the talent which afterwards raised him to the highest distinctions in the State. Nor Gill, whose early death deprived society of all that might be expected from his hardy sense and constant application. Nor must we forget the leaders of the class—the bland Murphy and the inflexible Gregg. They were the real students, who, like true soldiers, never forgot the rules of discipline, but studied for the first honors and won them gallantly.

And could I forget thee, the soul of honor and the joy of friendship, George Butler—the most gallant of men, the most genial of spirits! The profession of arms well accorded with his martial character, and though his plume was not destined to wave in the battle's storm and the fortune of war confined his service to a barren field, yet no more devoted son rallied to the flag, under which he would have been proud to die for his country. Nor does the trump of Fame bear to the winds the echoes of a name where the soldier's Zeal was more gracefully blended with the tenderness of a gentle heart.

But the youth instinct with great ideas, the Scholar, the Bard, the Genius of the school, remains. How shall I describe thee, William Harper? Careless, simple and negligent, he lived apart in the world of his own genius—his imagination brought all things human and divine within the scope of his intellectual vision. For him it was equally easy to learn or to produce. It was not to be expected that such a mind could find occupation in any enforced routine. He was no candidate for the honors in College, though he received a distinguished appointment, in fulfilling which he delivered a poem, almost an improvisation, on the death of Montgomery. It is very common to underrate the imagination as an element of power. It is imparted in a high degree to but few, and the opinion of the majority proceeds from imperfect and superficial knowledge of the subject. Works

of the imagination are measured by the standard of utility and condemned by common minds as frivolous. The character of genius suffers in the same way when tried by the estimate of prudence. Nor can it be denied that, for common affairs originality and invention are of little value, nor that the finest parts must yield the palm to the intrinsic value of good sense. Fancy, Imagination, Memory—nay, Reason itself—are of little avail without the presence and moderation of that sober guardian. But the great mistake of the common judgment is to suppose that between genius and good sense there is some principle of opposition. The very reverse is true; good sense is essential to genius, and the example of William Harper is a striking corroboration of the truth. He was a true poet; of imagination all compact, and if he had given the reins to his genius would certainly have devoted himself to the Lyric Muse. But "*dura res et—notitas*"—the exigencies of common life and the little encouragement bestowed on literature determined otherwise, and he embraced the legal profession. How completely he refuted the idea that an imaginative or aesthetic mind is ill adapted to the severest legal studies is known to all South Carolina. His judgments contained in Bailey, Hill and the later reporters, from 1830 to 1847, are an enduring monument of his judicial fame, and his defence of the South on the relations existing between two races is so profound in conception, so masterly in execution, as to cause a wide-spread regret that his pen was not more frequently employed in philosophical investigation.

The distinguished men that have proceeded from this place furnish the best evidence of the successful cultivation of learning in this College. If we were to follow the stream of time we should meet with many a name to prompt the eulogy of departed worth, but I forbear. Though the ornaments of succeeding years might claim the tribute of friendship or challenge the praise of a more eloquent tongue, those contemporary portraits are reflected in the glass of memory, and later years come not within the field of its vision. Rather is it within the purpose of this celebration to inquire how far the results have corresponded with the expectations of the friends of the College and what hopes may reasonably be entertained of the future.

As to the past, there is much ground for gratulation in the effect which this College has had in harmonizing and uniting the State. In 1804 sectional jealousies were sharpened to bitterness and there was as little unity of feeling between the upper and lower-country as between any rival States of the Union. Although the suppression of such jealousies is in part attributable to the removal of some anomalies in the Constitution, much the largest share in the same good work is due to the attractive force of a common education. To the insensible

operations of the same influence must also be referred the liberal provision that has been made for general education by the establishment of free schools. And if the benefits of such schools have not yet equalled the full measure of usefulness expected from the system the failure arises from peculiar circumstances, and affords no just cause for discouragement. Wherever there is a resident Proprietary equal to the duty of their position these schools have not failed to answer the purpose of diffusing the elements of learning. Nor let the limited education of the poor be contemned. It is much more the spirit of instruction than the amount which is imparted that interests the State. By the instruction received in the most backward school the learner is put in communication with a higher degree of learning. It is the natural order of things to proceed by steps, and if this gradation do not exist in the social fabric it is a serious defect. The influence of the college, like the ambient air, should extend on all sides—upwards to the regions of discovery and downwards to the smallest tenement of rudimental instruction. In this way the blessings of civilization are extended by a sound and healthy state of public opinion, and if we compare the progress which the State has made since 1804 we shall have no reason to withhold our assent from the conclusion that the hopes with which the College was inaugurated have not been disappointed.

As to the future, we trust that the College will be true to its mission as the nurse of an enlightened public opinion. From this source should issue not only the rays of knowledge, but the light which disperses the mists of prejudice. Knowledge is a step in the improvement of society, but it is not the only desideratum. Very pernicious errors may prevail in the midst of much intellectual activity and opinions long discarded by cultivated minds may still exert a widespread and pernicious influence. In eradicating such weeds from the minds of the young the public Instructor has an arduous duty in which every encouragement is to be given to his efforts. It is in the college that the reformation of popular errors should begin.

Education is the hand-maid of civilization, which includes morals and manners as well as learning. But if opinions which reason condemns, find shelter in colleges, where shall we look for improvement to begin? Education is valuable to society, because it improves the moral sense and develops the energies of the mind. The fruit of such culture should be shown by an exemption from popular error or local prejudice. When the College is but the echo of the popular voice, there is room to surmise that the culture has been neglected, or that the Professor has labored upon an ungrateful soil. A liberal education implies a superiority to common errors; and deep regret must follow the disappointment of that expectation. But it is still more deplorable when the college becomes a place of refuge for

exploded fallacies, among which none can be more pernicious than that false sentiment that resistance to authority is an honorable impulse. Now Fidelity is the very bond of Honor and lends its sanction to all the demands to lawful authority. To promise and fail to perform, is always a reproach; and if the default be wilful, it entails the heavier penalty of disgrace. But lawful authority imposes obligations of equal weight with those which are clothed with a promise. To set against such obligations, considerations of personal will, interest, or opinion, is characteristic of sordid egotism and inconsistent with the first principles of Honor. A liberal education implies a keen sensibility to every duty which Fidelity enjoins; and over the portal of every College should be inscribed in letters of gold, *Obedience is Honorable*.

And now considering the feeble beginnings of 1804, when the course of the Senior year would hardly be considered in these days a qualification for the Sophomore—when the whole array of Faculty consisted of three Professors, and the Philosophical apparatus of one telescope—and comparing that state of things with the present numerous and learned Staff—with the well stored library, copious Instrumentality and convenient Halls of the present day—it is equally just—to applaud the generous policy of the State; and to utter the heartfelt vow—that the hundredth anniversary of this institution may confirm the example of past usefulness, and justify the hopes of future progress.

CHAPTER XXXVII

1855

ARGUMENT BEFORE THE SUPREME COURT AT WASHINGTON;
HAS A MIND TO TAKE UP LECTURING; MARRIAGE OF MR.
DORN; CAPTAIN THOMAS PETIGRU AND THE RETIRING
BOARD

TO MRS. JANE PETIGRU NORTH

Charleston, January 17, 1855.

* * * I was so much indisposed in Washington that I had barely health to go through my argument, and did not acquit myself near as well as I ought to have done. * * *

Adieu,

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

February 27, 1855.

* * * Chancellor Wardlaw holds Court every day. I confess the practice is becoming less and less to my liking. I have a mind to take to lecturing. I would rather undertake to teach the boys than the Judges.

Johnston [Pettigrew] continues to maintain his reputation. His last feat was by astonishing Mr. Memminger and Mr. Tupper with a mathematical solution in five minutes of a sum that they thought would take a week.

Adieu. Love to Mary and Minnie.

YOUR BROTHER.

TO MRS. SUSAN PETIGRU KING

Badwell, 20 August, 1855.

My dear Sue:

* * * The great subject of conversation in the Range is the marriage of Mr. Dorn. The "Enfau" was worthy of the master of a gold mine. Tables of fabulous extent groaning under loads of food, such as rejoiced the guests in heroic times, were surrounded by an admiring throng. They strained their eyes to catch a glimpse of the generous host and his fair bride, and when she unveiled and entered the festal bower on the arm of her spouse, Billy Patterson, the master of ceremonies, cried:

"The show is over folks, fall to," and the destruction of viands commenced. Fame speaks of 20 bullocks and 80 sheep slaughtered for the feast, but is silent as to ale or generous drink, though I can not suppose that the Maine Law governed on the joyful occasion. Nothing has happened equal to it since the wedding of Robin Hood, celebrated in an English ballad, which your Mamma has often heard and if you could prevail on her to sing it, you would then have the opportunity of comparing the exploits of the old time and those of the Range. With this disadvantage however, against the Moderns, that the ballad was no doubt composed by a witness who was inspired by the scene in which he played a part, whereas, my description is drawn from hearsay. Willie divides his time between outdoor amusements and the Waverly Novels, of which he is a diligent reader. I suppose you are preparing for your Buncombe expedition. The next time I hope you will take Badwell on your way, for they have actually commenced work on the Valley Railroad, and as it is true to a proverb, that *ce n'est que le premier pas qui coûte*, I hope that we shall see the locomotive before long, within a mile of us. Make my dutiful salutations to Ma and Grandmother and to all the family circle, not omitting Henry and believe me dear Sue, affectionately

YOUR FATHER.

On hearing that his brother was dropped from the service by the naval board then sitting in Washington, Petigru wrote as follows:

TO MRS. JANE PETIGRU NORTH

Charleston, September 27, 1855.

My dear Jane:

Little did I think when I left you last Friday morning what a storm was going to burst on our heads—our devoted heads. The suddenness of the attack and the mortal violence of the blow are more than human patience can bear. It is the only thing that I can think of. It is before me every moment, and I feel sometimes like the person in the play, who is shocked to think how patiently he endures the wrongs that are heaped upon him with impunity. But it is impossible to stand still; we must bring the thing before Congress and expose the fraud and duplicity of the board, who against their own sense and judgment, have pronounced him inefficient because they do not like him. Mr. Shubrick would not like to sail with him and, therefore, he is inefficient. I have written to him once only. I suppose you have? I almost reproach myself for not having set off, or rather kept on, to Washington as soon as I heard it,

for the horrid fact came to my knowledge on the car on Friday night by a paper that had been lent me in Augusta. * * *

YOUR BROTHER.

Many of the older officers, Captain Petigru among them, had served in the war of 1812, and it was shameful to drop them in their old age without even giving them an opportunity to answer to any charges that might be made against them.

Mr. Petigru felt the injustice keenly and made every effort in his power to have his brother reinstated, but it was all without avail. He probably would have succeeded, but, as will be shown later, Captain Petigru died before the wrong was righted.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, October 5, 1855.

* * * If I could get the printers to publish Spratt's comments on the conduct of the board it would open the eyes of the community so far as they are able to understand what they read. The *Evening News* (Cunningham's paper) has discussed the case by name and our friend Grayson has sounded the alarm in a piece exposing the unconstitutional and illegal acts of the board without reserve. It is to come out in all our papers tomorrow, so probably you may see it. I have written to Orr and intend to do the same by Keitt and James Jones, of Tennessee, the Senator. It seems to me that Congress will be obliged to restore every man that has been, in the choice language of the board, dropped, and that they will be obliged to own that towards the Captain they are inexcusable. * * * Speaking of happiness, a thing rare in our family, what do you say to Marshal Pellessier and the allies and the fall of Sebastapol? I sympathize with the Marshal and his friends entirely, and am very glad the fortress has fallen and hope the Russians will be made to respect the rights of a weak neighbor.

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, December 27, 1855.

I feel undeserving of your kind letter, written as long ago as the 12th, in which you tell me of everything except your little woodpecker of a granddaughter; but of her and her red head I hear from everybody. You were right to call her Jane, but with this trait of resemblance she ought to be not only Jane, but Jane Caroline, after her dear, dear great grandmother. I hope she will have as much spirit and a happier temperament.

* * * I went to Columbia and worked hard and helped John A. Calhoun to work for the railroad—our railroad—and we carried our point so far as to get the charter amended for the benefit of our Augusta connection, and now we begin to have hopes of getting so strong a subscription in Georgia as to start the road in earnest. [The Savannah Valley Railroad.]

I went to Washington from Columbia and met Tom there and stayed a whole week, consulting, inquiring, and stirring up friends. It certainly was not in my way to see the friends of the navy board, and I may have found none because I did not look for them, but I can safely say that no person that conversed with me undertook to justify that junta or celebrate their dark deeds. I was greatly pleased with Lieutenant [Matthew Fontaine] Maury, a man of high and generous spirit, who sees the question from the true point of view and is able to show to the members of that board, one and all, that he is not their superior in mathematics only. The wretched creatures reduced him because, being a scholar, he could not be a sailor, so they pretend, but they will be very sick of the argument before he is done with them. It was deemed most prudent by our Senatorial friends and others to wait for the President's message. For there is a rumor that the President intends to recommend modifications, viz., that he means to reinstate such as he thinks ought to be reinstated by nominating them to their own places. It seems very foolish to dismiss or disrate officers for the mere purpose and with the intent of restoring them, but there is no telling before the event what some people can do. Therefore, I acquiesced in this suggestion and left the Captain there. He came home on Saturday and brings no additional news besides what the papers show, that memorials begin to flow in, notwithstanding the idea that the President ought to be heard from first. * * *

YOUR BROTHER.

CHAPTER XXXVIII

1856

MARRIAGE OF MISS ELLIOTT; ORATION AT ERSKINE COLLEGE,
DUE WEST, S. C.; MRS. PETIGRU AT FLAT ROCK; FIRST
PRESIDENT OF S. C. HISTORICAL SOCIETY; MAGRATH-
TABER DUEL

TO WILLIAM ELLIOTT

Charleston, 15 April, 1856.

My dear Elliott:

If I was not tied down to the routine of the Law, I would certainly make one in the happy group that the altar of Hymen will attract to your hospitable roof on Thursday.* But it is as vain to struggle against professional ties as against those of Hymen, himself, and I must content myself with "the bare imagination of a feast," instead of offering you, in person, my congratulations or sympathy. In fact, I was away in Georgetown last week, and this week am devoted to Judge O'Neale and the Docket. It is a great pleasure to meet a congenial spirit, but I do not like your doubts, when you question whether I am sensible of the affinity that brings us together in feeling and temperament, tho' divided so far by the difference between a landed Gentleman and a plodding practitioner. Let me impose on you the duty of making my congratulations to the happy gentleman, and my vows for the happy future of your daughter, as well as my acknowledgements to Mrs. Elliott of the great honor done me by her invitation. It would have been a great source of pleasure to my young friend Johnston Pettigrew, if he had been able to avail himself of your kind invitation. Hoping that the great event may be the theme of many agreeable and happy recollections, I am, my dear Elliott,

Yours truly,

TO MRS. SUSAN PETIGRU KING

Flat Rock, 18 August, 1856.

My dear Sue:

This is the first letter I have written since 12th, which was the day I left Badwell for Due West. We set out with mules and horses. The girls Minnie, Louise and Little Lou staid that

*The marriage of Colonel A. E. Gonzales to Miss Harriette Elliott. He is the father of Mr. W. E. Gonzales of the *State*, Columbia, S. C.

night at Judge Wardlaw's. Charles and I went on and found Due West alive with people from the whole country round. The house was so crowded, that, but for my public character, we would have been obliged to sleep three in a bed, but thanks to that distinction, Charles and I had a bed to ourselves. There was a gathering in the chapel at night, and many speeches from the members of the twin societies, Philomathean and Euphemean. The business was renewed in the morning at 10, by the graduates and kept up till one. True to the pristine manners of the country, they adjourned to dinner for an hour, and then were to meet to hear the anniversary. They came in pretty punctually, but then had to wait for the musicians, who were refreshing, and made the people feel their importance by keeping them in expectation of their coming till they, who had not wearied under the infliction of 10 schoolboy declamations, were tired with waiting in silence. But all things at last were ready and the anniversary began. But here a great disappointment awaited the assembled host when they found, that instead of preaching, they were to listen to a mere reader. Added to this, the clouds, which had been during the recess gathering, now began to throw a veil over the face of day, and before we had got over the first part of the discourse, rain, which had not been seen for months, began to fall and every man in the house, that had dismounted at the college gate, began to run out after his saddle or blanket or beast, and the ladies moved to the windows and the children began to cry and except the Trustees and a few members of the society, they did not hear a word, and even the quotation from the Anti Lucretius failed to make an impression. The reading ended before the rain, which was in fact far the more interesting of the two, and the mass slowly dispersed. We returned to the Judge's that evening, and the next morning Charles set out for Badwell at 2 o'clock; I took the car for Greenville and the girls staid to make a morning start. * * *

Adieu.

YOUR PARENT.

The first meeting of the South Carolina Historical Society was held October 28, 1856, and Mr. Petigru was elected its first President. The petition for a charter for the Society, signed by J. L. Petigru, F. A. Porcher and others, was submitted to the State Legislature, December 1, 1856.

TO MRS. SUSAN PETIGRU KING

Columbia, 28 November, 1856.

My dear Sue:

You know how much regard I have always had for Mr. Barnwell Rhett, and my high esteem of Edmund's abilities. Col.

Jack too, the son of an old ally, has claims on my good feelings, which I am no ways disposed to lessen. While on the other hand, Mr. Conner's son and Johnston too are placed in relations to all these, that are not of an inviting tendency. Your learned physician in these circumstances puts forth an address to the public, calling their attention to Cunningham and the Rhetts, certainly not for the most charitable ends. Now, what I want to say to you is, that I would deprecate exceedingly if any of us should take a side in the affray. I deplore poor Taber's death most sincerely and would have spared no pains to avert his fate. It was a disastrous event; the end disappointed everybody. If he had killed Magrath, all would have been well. It would have swelled the public sympathy into an immense vote for his brother, who would have gone to Congress, and Taber, poor fellow, would have been a sadder and a wiser man for the rest of his life. But the catastrophe did not wait for the proprieties of the drama, and made everything wrong. That is the entanglement; not that the difficulties of the plot were so great as wise-acre Bellinger makes them, or that there was any necessity that one man should die, or that poor Taber should owe his life to a concession, which he did not love his life enough to make; but that, they none of them took into consideration the great risk of the wrong man being killed, and in the negotiation on the ground, they passed over on both sides, the only practical solution, viz: to consider the point of honor as being the only thing in issue and satisfied by the exchange of shots. Now, as you are a great writer and sometimes a great talker, I wish to impress on you my fear that Bellinger's piece will open the strife, and to beg you to take no side, and the only way to take no side is to say nothing. It is what I do. I persuaded, as far as I could, Conner and Johnston to say nothing to Cunningham's unnecessary vindication, because it was only a vindication, tho' as far as I can see, needless. But Bellinger's piece is more an attack than a vindication, and will be likely to bring on a renewal of war, in which war, I beg you my child to be quiet. Your Uncle Allston is going to be Governor without opposition; tell your Aunt so.

YOUR PARENT.

The duel between Edward Magrath and W. R. Taber, Jr., grew out of an acrimonious political newspaper correspondence. The affair was badly managed and as a result the excitement continued until it bid fair to occasion another duel in which Col. John Cunningham, Taber's second, was involved. Mr. Petigru interfered and threatened the publisher of the *Courier*, in which paper the letter writing war was carried on, with prosecution for libel if any further communications concerning the

duel were published in his paper. The controversy suddenly ceased. A few days afterwards Dr. Francis Y. Porcher made one of his accustomed Sunday morning visits to Mr. Petigru while he was at breakfast. He told him that he "came to him as the fountainhead to get the facts." Mr. Petigru suddenly wheeled in his chair and with some impatience exclaimed, "Porcher, 'fountainhead' be d——d!" He then gave his reasons for what he had done and delivered quite a lecture on the law of libel. In compliment of Mr. Petigru's intervention, Colonel John Cunningham presented him with a very handsome gold snuff box which is still in the possession of a member of his family. It bears the following inscription:

John Cunningham

To his friend

James L. Petigru

A. D. 1858.

CHAPTER XXXIX

1857

DEFEAT IN LAW CASE; DEATH OF CAPTAIN THOMAS PETIGRU;
COMPLETION OF MEMPHIS & CHARLESTON RAILROAD;
FAILURE OF BANKS

TO MRS. SUSAN PETIGRU KING

Tallahassee, 5 March, 1857.

Dear Sue:

Since Tuesday week I have heard nothing of Charleston but through an occasional *Courier*, but I hope that you Sue and Addy are well and lively, and that you are not without some curiosity to know how we are getting on in this place. Know then, that it is now raining hard and the heights about Tallahassee are hid in mist. Three Judges are sitting opposite on a bench raised above the common level, listening to an apprentice of the Law, who is reading in monotonous tone page after page of what witnesses say about the life and history of Hardy Bryan Croom. On chairs at a table below the bench are seated that reader, besides Mr. Archer and your paternal ancestor and at the fireplace at either end of the Hall are seated various persons, induced by business or want of business to while away the morning here. Among these groups are Allen McFarland and Mr. Sappington, that you know, and Mr. Croom, that you have heard of, and Judge Law and some half dozen more. It is now $\frac{1}{2}$ after 12, and we have had a real Gulf storm. It was so dark that we had to suspend the sitting for half an hour, while wind, rain and hail filled the air, and tho' it is now comparatively clear, we have to introduce candles. This is the third day that we have been battling in Court and it will be night before we will be through with the evidence, and there is little reason to believe that I shall be heard before Monday. Judge Law will take up more than a day, so that you may take for granted that I have business on hand till the 10th. * * * My hostess, Mrs. Croom, is so kind, that she never thinks I have enough. This morning I told her that if she could get Judge Law, who is on the other side, to her table, I would have no objection to cramming him, but it would not be good policy for her to give me so many good things before her case was decided. I hope there is no danger, but, if the decision should go against them, it would make a sad change. I don't think I

would have the courage to break the news to them. But I intend to run the risk of the judgment, by hearing it delivered before I go, for I propose to make a trip to the Wakulla Spring after the argument is over. Adieu, dear Sue.

YOUR PARENT.

The Croom-Sappington will case involved a large amount of money in Florida. So confident was Mr. Petigru of gaining the suit that, upon his opinion, his clients refused a very handsome compromise that was offered by the other side. The case was decided against him. This miscarriage of justice nearly set him crazy. Students at his office said that he passed his time between his room and walking in his garden muttering to himself and it was worth as much as a man's life to approach him. At his home he passed the nights walking up and down repeating the various points of his argument. It was several weeks before he recovered from the shock.

While engaged in this case he received the announcement of the death of his brother, Captain Thomas Petigru, at Washington, March 6, 1857. His remains were removed to the family cemetery at Badwell, where a suitable monument marks his last resting place. The generous and unselfish character of Mr. Petigru is well shown by the following letter to his brother's widow.

TO MRS. MARY ANNE PETIGRU

Goodwood, Florida, March 11, 1857.

My dear Sister Anne:

When the first shock of the heavy news which has just reached me was over my thoughts immediately reverted to you. And when I lifted up my heart in silent supplication for the Divine mercy on my poor brother's soul my next feeling was in reference to you: that you might have the aid of the same mercy to support this trial as you have supported so many others. There is no one but yourself who will be so deeply affected by his loss as I. He was my nearest friend and his removal leaves a blank in my existence only to be equalled by the one it must make in your life. To supply, by my zeal, the want of that arm, on which you have leaned so long, will, to the limited extent of my ability, be a duty never to be forgotten by me. The requirements of my connection with the Court now sitting at this place, will detain me at least two days more and no other cause would keep me from waiting on you in person to assume every care and

trouble that you would allow me to undertake for you and assure you of the depth of my sympathy in all your griefs. And I beg you to believe that in this mind I shall ever be, my dear Anne, your friend and brother,

J. L. PETIGRU.

TO MRS. SUSAN PETIGRU KING

St. Michael's Alley, May 9, 1857.

Dear Sue:

Your Grandmama has accomplished this morning an extraordinary work, and something almost as wonderful is likely to happen in a few hours, in which your papa is principally concerned. In a word, Grandma this day completes her 80th year, and the number 78—no, 68 will be sounded by the clock in your father's Hall tomorrow. Don't you think we had better lengthen the table, so as to take in Aunt Jane and the others? And if you agree with me that Sarah is hardly adequate to a ragout, will you decide between Jake and Lizzie, which is deserving of most confidence.

TO MRS. JANE PETIGRU NORTH

Broad Street, May 26, 1857.

* * * The Memphis people are coming in shoals. They say the entertainment will cost the city \$20,000. They wanted me to act as one of the vice presidents on Thursday, but it is out of the question. I consented to let my name stand as a manager of the ball among the seniors, for that involves no necessity for attending; but to partake in the festivities is another thing, for which I have no heart. * * *

The citizens were jubilant over the completion of the Memphis and Charleston Railroad, and the inauguration of the Blue Ridge. Great hopes were entertained of increased commercial advantages and a more profitable trade. The citizens of Memphis were invited to visit Charleston and mingle the waters of the Mississippi with those of the Atlantic.

TO MRS. JANE PETIGRU NORTH

Charleston, October 13, 1857.

* * * I hope Ned got through his journey without any accident and delivered my letter, as well as the small parcels delivered to him, with fidelity. That is a virtue that ought to be at a premium in these days. The instances of gross betrayals of trust have been, unfortunately, common of late and even in this hum-drum place, where people console themselves for being

dull with the notion that they are very honest, there are many recent defalcations. * * *

The few cases [of yellow fever] that have appeared do not amount to an epidemic and are not on the increase. It is very different as to the disaster that affects the money market. There the disease is on the increase. Two more banks failed yesterday, the S. W. Railroad Bank and the South Carolina, and today the People's Bank (the same that McKay ran away from) has followed the example; nor should I be surprised if one or two go in the course of the afternoon. The generality of the people would be glad if they would all suspend, as it would allay the struggle which it costs to maintain the contest. * * *

CHAPTER XL

1858

APPEAL TO SUSAN; DEATH OF COLONEL HAMPTON AND DOCTOR
GILMAN; VISIT OF MR. EDWARD EVERETT; HIS LETTERS;
TRENHOLM; MARIETTA, GA., DEFENDS BLUE RIDGE RAIL-
ROAD; OPPOSED BY TOOMBS AND COBB

TO MRS. JANE PETIGRU NORTH

Charleston, February 18, 1858.

My dear Sister:

* * * How much I was shocked by Colonel Hampton's death! and Mr. Gilman's was made known the same day. Many of his friends went to Columbia to attend the Colonel's funeral. Had I been there I would probably have gone, too. The funeral of Mr. Gilman* was like that of a great minister of State. It was the best evidence of the high estimation in which he was held, that the church, long before the hour of the service, was filled to overflowing and crowds remained outside till sundown. Adieu. Love to Louise.

YOUR BROTHER.

TO EDWARD EVERETT

Charleston, S. C., 22 March, 1858.

My dear Sir:

I have felt quite proud of my daughter's good fortune in securing you as our guest for a part at least of your time when you visit this place. And as Mr. Yeadon is bound upon a forensic expedition next week I am rejoiced to think that we shall come in for the first instead of the second place. So that even if you do not, as we wish you would, take up your abode with us altogether, you will still as I trust come at once to us, and nowhere else on your arrival.

As to the time of your coming the choice of course is with you and a hearty welcome awaits you whenever it is; but as to the public, the season makes some difference. In Passion week it is impossible in this place to inaugurate any festive or secular demonstration with success, and even the Oration on Washington would by a large and influential class be considered an

*Samuel Gilman, D. D., rector of the Unitarian church for 28 years.

unseasonable display. If, therefore, we have the pleasure of seeing you before Easter, we would propose that the interim be passed in domestic tranquility. After Easter the public will be in a fitting state to enjoy the charm of eloquence, and when your labours are over, we have in prospect for you an excursion into the neighborhood which will give our friends an opportunity much desired by them, of welcoming you to those Country Seats, which are now beginning to be particularly pleasant.

If you will advise us of your progress we will be happy to receive your despatches, and your arrival among us will be hailed with greater pleasure by none than by, dear sir,

Yours sincerely,

J. L. PETIGRU.

Mr. Everett arrived April 9 and was a guest at Mr. Petigru's house for more than a week. Mr. Yeadon then carried him to his home in order, as he said, that he might "have a free swing." Every one knew Mr. Everett as the type of reserve, neatness and precision, and Mr. Yeadon was always known to be just the reverse. It was a source of great curiosity to know how Mr. Everett must have appeared in "a free swing."

ORATION
DELIVERED ON THE
THIRD ANNIVERSARY
OF THE
SOUTH CAROLINA HISTORICAL SOCIETY
AT
HIBERNIAN HALL, IN CHARLESTON
ON THURSDAY EVENING, MAY 27, 1858,
BY
JAMES LOUIS PETIGRU,
PRESIDENT OF THE SO. CA. HISTORICAL SOCIETY.

It is the province of Reason to distinguish between right and wrong, and to deduce from that distinction rules for the conduct of life.

But Reason itself is not exempt from error. Theory and speculation often fail in doctrine as well as in practice, and there are no errors so dangerous as the mistakes of men in whom the faculty of reason is predominant, because they have the power, by persuasion and argument, of making those mistakes the source of pernicious opinions. Not to mention the disturbing influence of interest and passion, the seeds of error are so thickly sown, that Reason itself must lean on the authority of Experience.

Many trains of thought, like streams that have no outlet,

terminate in uncertainty: and there are problems in moral philosophy on which reason disputes in vain.

Not individuals merely, but whole communities, are divided by opinions in which both parties are equally clear. There is many a debate, where there is no decision; and the judgment of one age is often reversed by the next. Thus the adherents of antiquity, under the name of Conservatives, and the partisans of progress, under the banner of Reform, wage an endless war. While by one party the clouds that obscure the sky are hailed with gladness, as harbingers of refreshing rain; to other minds the troubled atmosphere is filled with direful portents of the coming storm. On the other side, whatever is new is welcome; while with others, truth itself would be rejected, if it have not the stamp of antiquity.

Though opinion assumes such various shapes, and whole armies are recruited for the defence of every sort of doctrine, they all equally appeal to the authority of Reason; nor does Reason spurn the appeal—for they all draw their weapons from her armory; and neither intellect nor acuteness in debate, can be denied even of the most dangerous fanatics, or the wildest enthusiasts.

It is History that comes to the relief of conscience when perplexed by the conflict of opinion; and furnishes a guide for conduct and judgment, when reason is at fault. It is to the human family what experience is to the individual. Precedent and example furnish a clue for arriving at a decision when the mind is bewildered by doubt. They show the difference between the line to be pursued, and that to be avoided; between the way that leads to ruin, and that which conducts to safety; and questions which Reason could not solve, are silently settled by Time.

Time, which is the destroyer of the works of men, gives them History in return for what it takes away. The legacy is of inestimable value, but it has not always been transmitted through faithful hands. The truth which it is the duty of history to reveal, is often clouded with fable. Yet it is to the study of history chiefly that we are indebted for the skill that is necessary to separate the ore from the dross; to discriminate between the true and the false; between the tales of fiction and the phenomena of real life. In early times this operation was but very imperfectly understood; and in the narratives that have come down from a remote antiquity, truth and fiction are so intimately blended as to defy separation. The credulity with which things contrary to nature and experience are received even by able and observing men, becomes a marvel and problem for succeeding ages; that cherish, perhaps, on other subjects, opinions equally at variance with truth; destined in their turn, to be rejected with amazement as the exploded fallacies of an unquestioning period. As in the external world the senses are

often unconscious of surrounding objects; so in the interior life of man, the mind may, for want of attention, be insensible to ideas that would otherwise be obvious. The jurists say, with justice, that nothing is certain which has not been questioned—for till the question is made, there is no comparison, and of course no judgment; so that, without an actual examination, it is impossible to tell whether anything received for true will stand the test of investigation; for it may have been admitted at first by indolence or inattention, become fixed by habit, and gradually acquired the character of public opinion.

Although the difference between truth and falsehood is a distinction perceptible to the understanding of all rational beings; yet to discriminate between them in a complex proposition, where there is a necessity for comparison and reflection, requires the use of rules that are the later productions of a cultivated Reason. As long as History depended on tradition, and no contemporary memorials preserved its integrity against the defects of memory, or the interpolations of partiality or hatred, the line between fable and veracious narrative was scarcely perceptible.

The account of what happened in former times, was not only imperfect for the want of accurate information, but the narrative was varied by prejudice or vanity; by the desire of inculcating the opinions, or gratifying the ambition of the writer. But when public registers of some sort began to be kept, contemporary evidence checked the license of the imagination, and history assumes more and more the gravity of a moral teacher. The critical judgment of Polybius, for instance, is in strong contrast with the credulous avidity of Herodotus. For though the Father of History, as he is called, is a lover of truth, and deserving of confidence, when he speaks from his own knowledge; so that succeeding investigations have tended more and more to raise his character for fidelity; it must be acknowledged that he seems to have been sadly deficient in weighing the credibility of evidence.

But there has ever been a wide difference between the traditionary and the critical school in the appreciation of history. The prevailing style has varied with the state of public opinion. Till the revival of letters, the traditionary school had clearly the advantage in popularity, and it is not without wonder that we see that even the daring genius of Milton was so far subdued by the spirit of his age as to lend a sort of credence to the legend of King Brute and his Trojan Colony.

With the revival of letters, as a more liberal way of thinking prevailed, a more strict adherence to truth was exacted in every branch of knowledge. But it is mainly owing to the study of history, and the light which has been thrown on the records of

the past; that the critical judgment, for which modern times are distinguished, has been refined and improved.

Recovering as it were from the sleep of ages, the human mind rejects the dreams that have been imposed on the world for history; and renders to truth the homage of an exclusive worship. That which is asserted without proof is deemed unworthy of credence or even of refutation. Assertion is not enough without evidence, nor a witness without some voucher for his competency as well as his integrity.

Authentic history may be said to commence with the times when historians began to avail themselves of contemporary memorials of the events which they undertook to describe. Our pride may be humbled by the reflection that after all we know so little of the past; that even the dim light of tradition throws no rays upon the beginning of the present order of things. Moses alone takes up his theme with the morning of creation; but his mission is not that of satisfying profane curiosity; nor is the sacred narrative a fit subject for the critical tribunal. But it may not be improper to remark of the two main features of that narrative, that his chronology, which assigns a comparatively recent date to the first appearance of man on this globe, is corroborated by the investigations of science; and that the unity of the human race, a dogma consecrated by his authority, and dear to the sentiments of humanity, can not be disproved by reason.

But the origin of nationalities, and the names of the great benefactors of mankind, who colonized the fairest parts of the earth, and made the greatest inventions, are buried in the darkness of oblivion. For great things were done before the historic period began, and many great events, since that time have been so transformed by fable, as to come down to us in the form of Apologue and Mythology.

But since men began to keep records and to raise intelligible monuments, new life is infused into the world by extending the pleasures of memory to the bounds of history; and elevating the enjoyments of hope to the height of an enduring fame. And whereas truth was once so mixed with error as to lie undistinguished in the mass of fable, she now shines with her own lustre; and though the path of life is beset with thorns, and the ascent is steep and laborious, the light of history irradiates the way; while the noble example of those who have gone before, encourages the generous souls who are willing to climb the hill; like the voice of companions calling from above to cheer and animate their efforts.

Well may Cicero, great master of wisdom as of eloquence, exclaim: History is the evidence of ages, the light of truth, the life of memory, and the school of life.

The South Carolina Historical Society aims at promoting

historical studies, and preserving the materials of history that are derived from cotemporary witnesses.

The public mind, in our country, is far more occupied with the future than the past. It is a very general complaint that our people are careless of records. The materials of history are treated very much like the noble forest, not to be surpassed in beauty, with which Carolina was once covered. It is delivered, without mercy, to the havoc of the axe or the ravages of the devouring flame. The supply is supposed to be inexhaustible, and the process goes on till the recklessness of waste is checked by the alarm of approaching scarcity. We would interpose to protect the remnant of that noble forest which is threatened with extermination. We would be happy to lend our aid in preserving the memory of things remarkable or interesting, in our country, which are beginning to lose their hold on living memory. The labors, the trials, and dangers that have proved the endurance, or exercised the virtues of our countrymen, are in our eyes of sufficient interest to be preserved from neglect. We would inscribe with a name the battlefields of Indian and British hostility; and would fain prevent the soil that has been watered with blood poured out in behalf of the Commonwealth, from being confounded with common earth. Our labors, though unpretending, are accompanied by good intentions; and I am happy to say, encouraged by a benefaction from the State equal to our moderate desires.

But the annals of our State have not been entirely neglected. The Colonial History has been written by Hewitt—a writer rather pleasing from his style than instructive by the depth or extent of his information. The subject has been treated by Ramsay and Simms in narratives extending to our times. Ramsay's History is the work of a man of liberal mind, engaged in professional cares, and pursuing literature as a secondary object. But he had been an actor in many of the later scenes which he describes, and abounds in information, the result rather of his own observation and intercourse with life, than of a careful examination of books. Of the period antecedent to the Revolution, a critical examination was not in his power, for the records were beyond his reach. They lie disregarded in the State paper office in London, and it is a favorite object of this Society to make their contents known by copies obtained from official sources.

The History of Simms is a work of which parental affection may be proud, having been composed under its dictates, as we are informed by the Preface; to provide for a want that was felt in the education of the author's daughter. He deserves great praise for his attempt to reform the vulgar nomenclature of many places and natural features of the State, which are disgraced by obscure or trivial names; and to restore the historical

and oftentimes euphonious designations by which they were characterized in the Indian tongue.

Valuable documentary materials belonging to the Revolutionary period have been supplied by Drayton in his History, and Johnson in his life of Greene, to which the volumes published by Gibbs form a valuable addition; and the story of the war in Carolina may be read with pleasure in the soldierly narrative of Lee, and the lively pages of Weems, the biographer of Marion. Without dwelling on the laudable munificence of Mr. Watson, who has invested some rare old memoirs of the colonial times with all the splendors of Typography, we must not omit to notice the Historical Collections of Carroll, and the work of Rivers, on the Proprietary period; which is a foretaste of the pleasure and instruction which we may hope to derive from the progress of his labors in the same field.

Perhaps the opinion is tinged with the partiality of a native, yet after making all allowance for the bias of patriotism, it may be said, I think, with justice, that the annals of South Carolina offer to the eye of the historian a field worthy of more than common attention.

The first scene partakes of all the interest of romance. The voyages of Ribault and Laudoniere carry the reader back to the period of the civil wars of France; and are connected with the great name of Coligny.

France, by means of these voyages, impressed the country with a name but nothing more. It was intended as an asylum for French Dissent; and so, in fact, it became, but not under French domination. The sad fate of the Protestant exiles—the extinction of the hopes that had animated the great soul of Coligny, and led his adventurous countrymen to encounter so many sacrifices, is a gloomy picture; unredeemed by a single incident of a more genial nature, unless it be admiration of the noble DesGourges; who assumed the public cause when neglected by the State; and with a private hand avenged the insulted honor of his country.

To the same shores, dark with the shade of the primeval forest, after long years of undisturbed seclusion, came the English Colony, under better auspices. It was an eventful period between the Great Rebellion and the Revolution. Society had been profoundly agitated, and the heaving billows bore witness of the recent storm. It was a singular colony of men who had fought in civil war on opposite sides, and were ready to do so again. It was equally an asylum for the oppressor and the oppressed. There royalist and republican, churchman and dissenter, found alike a refuge from the storms of life. Nor was it merely from the discordant elements of England or the British Isles that the strange medley was gathered. The rivalry of England and France, which has disturbed the peace

of the world for centuries, was then at its height. They regarded each other as natural enemies, and on the continent of America their meeting was the signal of hostilities. But as every variety of living thing found refuge in Noah's ark, so in Carolina there was a strange meeting of the human race.

The Protestants of France, that had waged many a hard-fought battle, and seen the downfall of hopes to which humanity might cling as to a promise of blessing, now turned their eyes again to the shores which, in the preceding century, had attracted the attention of Coligny. To Carolina they came; but no longer French—not as masters, but as suppliants for the rights of hospitality. Bitter must have been the struggle with which they had overcome the natural pride of the human heart, when they sunk the proud name of Frenchman in that of Protestant; and taught their children to speak an alien tongue. They came with small assurance of welcome to join a discordant throng. Though the Huguenots have been scattered far and wide, and given proof in every clime of the power that abides with sincere religious faith; nowhere, is it believed, have they been more conspicuous—and nowhere has the sentiment of honor, so characteristic of their race, been cherished with more devotion—than in South Carolina.

The heterogeneous colony received accessions from every side. The Germans added no small share to the increasing stock. The European exile and the African slave mixed in the throng, and every shade of color and opinion had its representative in the mass. Then there was, in the process of time, a contrast no less striking between the Upper and Low country. The Upper country was not peopled from the older part of the colony, but by a different race; and its inhabitants maintained few relations with the people of the Low country, from whom they differed in manners as much as in origin; and with whom their sympathy was as limited as their intercourse. So great was the difference that sixty years ago it was noticed in books of geography that these parts of the State differed among themselves more than the other States differed from one another.

"If any city ever was in a state of inflammation, Rome at first was, being composed of the most hardy and resolute men, whom boldness and despair had driven thither from all quarters; nourished and matured to power by a series of wars, and strengthened even by blows and conflicts, as piles fixed in the ground become firmer under concussion."*

Though the fame of Rome throws that of all other cities into the shade, and exposes even the mention of a casual resemblance to the suspicion of presumption; yet in one particular, we may, without exaggeration, challenge comparison. For though the

*Plut. in vit. Numa.

name of Numa, the Roman lawgiver, is renowned in history, it is too much mixed with imposture to be the theme of genuine admiration; but we had a lawgiver whose fame places him in the front rank of real living men. The men of wit and fashion in the Court of Charles II who asked and obtained the gift of Carolina, selected a philosopher for the lawgiver of the nascent colony. And such a philosopher!

Locke was the friend of Shaftsbury, and he who shook the world by his *Ideas*—who sounded the depths of the Human Understanding, and walked undismayed to the brink of that abyss where lie the absolute, the incomprehensible, the unknown—he at the request of friendship compiled the first constitution for Carolina.

No existing constitution can boast such an illustrious ancestry. In reference to the mind from which it emanated, it is indeed an interesting document. It possesses interest also as a sort of sea-mark by which it may be seen how high the tide, that has since swept away so many institutions, had risen in 1672.

On examination, it will be seen that on the subject of religious liberty, the philosopher, though liberal, has many reservations; and in matters of State, his ideas conform to the pattern of the British Constitution rather than to any Utopian standard. But some of his notions might well excite a smile, and others might give countenance to the common opinion, that great men are unfit for public affairs.

Shaftsbury, one of the Proprietors of Carolina, who with all his faults enjoys the undying fame of being the author of the Habeas Corpus Act, is the only person in modern history, neither priest nor lawyer, who was clothed with the highest judicial office; and took upon himself to be a Judge in the last resort, without serving an apprenticeship to the Law. And though the experiment was never repeated, the praise of a bitter enemy forbids us to regard it as a total failure. Perhaps the author of the Habeas Corpus Act will be more indebted for his fame in these lines, than to all that has been written in his behalf:

"Yet fame deserved no enemy can grudge
The Statesman we abhor, but praise the Judge,
In Israel's courts ne'er sat an Abethdin
With more discerning eyes, or hands more clean;
Unbribed, unsought, the wretched to redress,
Swift of dispatch and easy of access."

It was, perhaps, in deference to the example of his great friend and patron, that the Philosopher admitted into his constitution this article on the value of professional learning:

"It shall be a base and vile thing to plead for money; nor shall anyone, except a near kinsman, not further than cousin-germain, be permitted to plead another man's case, until he has taken an oath that he does not plead for money."

Another article will be read with surprise by some in the present day, and deserves notice for its historical value:

"Every free man shall have absolute power over his negro slaves."

Though we are justly proud of Locke as our first lawgiver, it must be owned, to the disparagement of philosophy, that his constitution had a very brief and limited sway. But this only adds one instance more to the lesson of history, that a constitution can not be manufactured. It must be so far a spontaneous production as to proceed from and truly reflect the condition of things for which it is intended. The institution of a provincial noblesse, of seigniories, baronies and manors, new courts, and new notions of administering justice, were inconsistent with the real wants of the country, and hostile to the natural development of its resources. The constitution was quietly set aside, without having given rise to revolutionary measures. But all attempts to govern by a form of State which is not in keeping with the condition of the various interests which go to form a commonwealth, is a dangerous trial. The experiment was innocuous here, because the fulminating material was so minute in quantity. The Government was unarmed, and the people were at ease. The same experiment on a great scale shook the world with its explosions.

In a society constituted like Carolina, much harmony could not be expected, nor is the judgment deceived by the event. Fierce party contests prevailed from the beginning, but there was no anarchy. The colony was preserved from that by the ascendancy of party.

It is rather a discouraging fact for those who look forward to the indefinite progress of society, that the solidarity which should complete the edifice—which is the perfection of the principle of association—the harmony which secures the individual and the mass—is realized in the union of party, rather than in the union of all. But party is held together by a combination of those who have more than an equal share of power.

The history of Carolina is no exception. The elective franchise was liberally diffused, but the Test and Corporation acts guarded with jealousy the steps of the Provincial Assembly, as they did those of the Imperial Parliament; and the avenues of office were closed to all but the dominant sect. This state of things existed till 1778; a legislative fact, strangely ignored in the voluminous collection of Cooper, under whose revision the Statute Law of Carolina attained, in 1834, the bulk of ten quarto volumes.

After fifty years of contention a revolution took place—the proprietary government was subverted, and the colony placed under the direct control of the crown. The spirit of liberty which all these circumstances combined to foster, made

it very natural for this colony to take fire at any encroachment on their rights as British subjects, or to borrow the expression of Drayton, one of the leaders of the revolution, "the imperial people." By such men the cause of independence was embraced with great ardor. But where there is freedom there will be many ways of thinking, and the question of independence was not one of those propositions about which doubt is inconsistent with integrity.

There was in South Carolina a numerous Population, bound to the Government of the mother country, not only by the general sentiment of loyalty, but by the ties of gratitude for distinguished favors. They had received at the hands of the crown valuable lands as a free donation, which, by their industry, had been converted into thriving farms.

The government was known to them only by its beneficence, and the very failings of the administration were calculated to prevent collision—to preserve the kindly relations that subsisted between the people and their rulers. It was the duty of the royal government to extend to all their subjects a regular administration of justice and a due provision for the instruction of the people. Both Church and State were justly chargeable with the neglect of this duty. But it is not improbable that the King was liked the better for not sending bishops and lawyers into those settlements, where people lived in a primitive simplicity. Some irregularities were the consequence of disturbances connected with the rise of a set of men called Regulators. But upon the whole, simplicity of faith suffered but little from the want of ecclesiastical establishments, and manners supplied the place of law. Upon an impartial retrospect, it is difficult to condemn such people for being contented with their lot. The evils which they suffered from the want of what might be called a vigorous administration, had some compensations. Perhaps they bore them patiently because they seemed to be the inevitable concomitants of freedom and a frontier life; an opinion that derives no little countenance from experience. For if like causes produce like effects, the want of justice that gave rise to the Regulators is still a desideratum attested by the prevalence of lynch law.

Whatever may be the cause, certain it is that the people of South Carolina, were on this, as they had been on many other occasions, greatly divided; and the war of independence in this State, was marked with all the bitterness of civil strife. It is for that very reason more interesting to the historian.

Zeal in behalf of our country and our country's friends is commendable, and patriotism deservedly ranks among the highest virtues. But even virtue may be pushed to excess, and the narrow patriotism that fosters an overweening vanity and

is blind to all merit except its own, stands in need of the correction of reason.

History is false to her trust when she betrays the cause of truth, even under the influence of patriotic impulses. It is not true that all the virtue of the country was in the Whig camp, or that the Tories were a horde of ruffians. They were conservatives, and their error was in carrying to excess the sentiment of loyalty, which is founded in virtue. Their constancy embittered the contest, but did not provoke it. Their cause deserved to fail; but their sufferings are entitled to respect. Prejudice has blackened their name, but history will speak of them as they were, with their failings and their virtues, as more tenacious than ambitious; rather weak than aspiring; and show towards them the indulgence due to the unfortunate. And let it be remembered for the benefit of those who are influenced by a name, and pin their faith upon party,—for the instruction of those writers who, like unskilful painters, daub their pictures with glaring colors; that it was after the epithet of Tory had become perfectly detestable that it was freely bestowed on the Federalists, their most redoubted enemies.

South Carolina has been taunted with the division of parties that marked the war of independence. It is the reproach of ignorance. The division is a proof of sincerity, of freedom, of manliness of character. It embittered the contest, it gave occasion for the commission of many crimes, but it was also the cause of opportunities for the display of the highest virtues. Rutledge will ever stand in the ranks of fame with the great men whose civil wisdom, courage, and fidelity were equal to every emergency, and proof against every trial. Nor is it wonderful that the name of Marion is inscribed on counties, towns and villages far beyond the theatre of his actions. For his character combines the virtues that appeal irresistibly to the instincts of the human heart. His courage, gentleness, simplicity, and superiority to interest or revenge, mark him as a fitting character for the gallery of Plutarch; and such a portrait as that great Limner delighted to draw.

It is not our intention to enter into details, far less to attempt to do justice to all, or to even a part of the eminent men, to whom as citizens of this State, we are bound by the debt of gratitude. Let us leave to Bancroft, and the masters of the historic page, the ample roll of fame; and the honored task of inscribing a nation's gratitude on the tablets of memory. It is enough for us to have shown that our State has furnished some historical materials, and called attention to the objects of our Society.

And now after having observed at some length on the composite structure of society, and the strong tendency of the people to fall into parties, the unanimity which for years has marked the public counsels of the State deserves to be mentioned as

the unexpected solution, or successful development of the long continued drama. From the most heterogeneous we have become the most united of all the political communities on this continent. May that union be consecrated to peace, and the future history of the State contain the record of its steady advance in all the arts of life, and all the virtues that dignify humanity.

The annual visit to Badwell this year was made in July.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, July 20, 1858.

* * * We will leave in the cars on Tuesday, the 27th, at half after 8 in the evening, Major Welton and James and I, Caroline, and Louise, besides servants. * * * And we will take a carriage with us and harness. So send one carriage, horses for another and a wagon for the rest. * * * We will expect the cattle at Newmarket on Wednesday, 28th inst., and hope that we will not fail. If we do it will not be for want of will. * * *

YOUR BROTHER.

EDWARD EVERETT TO PETIGRU

Boston, 20 July, 1858.

My dear Sir:

I have received your favor of the 16th,* and am much gratified to find that you derive satisfaction from the volumes of Carey; an uncomfortable man in his personality, I have heard, while he lived, and particularly so to the South, and I must own at one time not less so to the North, by his urgent recommendations, in season and out of season, of a high tariff; but in his book,—at least in this copy of it—affording a notable example of “the right book in the right place.” I bought this copy many years ago, on the joint recommendations of Mr. Senator Johnston of Louisiana, and Mr. Webster, who spoke of it as a valuable repository of documents throwing light on the Constitution and the state of things out of which it grew; and such indeed I found it. But the Constitution itself having been found to be a poor trashy concern, and the men who made it a set of ignoramuses, I have long since given up the study of their work as a waste of time, and devoted myself to the investigations of cuneiform inscriptions and the most probable route of the Indo-Germanic emigration into Europe. On these really important questions in the 19th century, Carey throws no light,

*Mr. Petigru's letter thanked him for Carey's Museum and sent him a copy of his own Address.

and is to me, therefore, comparatively uninteresting, while to you he is valuable in reviving the associations of youthful days, and aiding you to live the past over again, and to this agreeable result I am too happy to have contributed. With respect to the Detroit trial, I was struck, with you, with the atrocity of the *offence*, but also with what I thought the atrocity of the *defence*; but perhaps I do not rightly estimate the duty of counsel to Christ, whom he can not doubt to be guilty of the most abominable crimes.

I am truly rejoiced to hear of the improvement of Mrs. Petigru's health, and trust she will get through the summer comfortably in her rural retreat. I have even flattered myself that one or two good laughs which we had together did her a great deal of good. I am inclined to think that we do not now-a-days, either in pharmacy, politics, morals or any of the other great concerns of life, take pains enough to keep the diaphragm in a gently excitable condition.

Caroline, as you justly observe, is a good correspondent, as she is in everything else that is good. That she can find any pleasure in writing to such a piece of the old world as myself can only be explained from the unfathomed depths of woman's benevolence. In charming me from some otherwise sad hours and the doubtful aspect of the times, her letters do for me what Carey does for you,—though I must think that my "Carrie" is to be preferred to your "Carey." But as you have them both and ever at hand you are rich indeed.

With kindest remembrance to all at 103, I remain, my dear sir, sincerely yours.

EDWARD EVERETT.

The address which you mention having sent me has not yet come to hand. You do not say whether you received the odd volume of Carey by mail. Caroline can tell me, when she writes again. Please have it bound to match the other volumes.

TO MRS. JANE PETIGRU NORTH

Marietta, September 15, 1858.

My dear Sister:

* * * Now if you want to know why I did not write yesterday I'll tell you why. I had never been to Chattanooga and had heard so much about it that I took the opportunity on Monday afternoon to run there, 120 miles; slept at the hotel, went up the mountain next morning, had a view of a glorious prospect of mountain, plain and river; came down to the common ground and took the car returning to this place, where I arrived last night again, and am now writing in Court, while Mr. Cobb is speaking, and happy will I be when his speech and his case are

at an end and I am seated again by the familiar hearth with you and Caroline around me. Till then, Good-bye.

YOUR BROTHER.

TO MRS. SUSAN PETIGRU KING

Badwell, 28 September, 1858.

My dear Sue:

When I was at Marietta, I was hard pressed by the necessity of listening to speeches 15 hours in the delivery, and the only way was to write in Court, with an ear to the Speaker and an eye to the paper. But, tho' I did scratch a few notes at intervals in that way, to let Aunt Jane know when to send for me, or Ma what I was doing, it is not an exercise for which I have a faculty like Paulsen, the chess player, who can keep up a dozen games at once. As Judge Frost came straight to the Island, I suppose you will have heard from him of the adjournment of Judge Nicoll's Court. It was just a fortnight between my departure and return to Badwell. In that interval, besides attending the long case of Bangs & the Blue Ridge, I have one day's respite, which I employed in an excursion to Chattanooga. I doubt if your geography extends so far, but there are a great many places in Morse or Malte Brun less worthy of celebration, for, in addition to mountain scenery and the various hues of luxuriant vegetation, it commands a beautiful water prospect of the Tennessee River for miles. It is 120 miles from Marietta and I did not begrudge the time or the money that it cost. The cause that assembled six lawyers and led to a hearing of eight days has greatly excited the minds of the parties interested, as you may judge from the fact that though our adversaries are poor and hungry as wolves, they sent Mr. [Robert] Toombs \$1000 before he left home. The debate was often conducted with warmth, but we parted good friends, and as Mr. Toombs lives on the way, I not only accompanied him to his house and spent a night under his roof, but was prevailed on by his unaffected hospitality to take his carriage and horses to Badwell. You can let Henry and Johnston know that tho' I did not quote Pothier, I read with great profit from Storey, who unfolds Pothier's sentiments, and that the demonstrative audience frequently discovered the leaning of their feelings in our favor. The general opinion was that the Judge was with us, and Mr. Toombs, when I sat down, said that I had damaged their case, which was a good deal for people, who had begun in a very lofty tone. On my way from Washington I dined with Mr. Simons and Miss Fanny Mathewson, whom you probably remember, and who inquired in a very friendly style after you. And now my dear that I mention you, my thoughts are turned to what is a very familiar subject: your situation in the midst of the yellow fever.

I hope you take all reasonable precautions against the infection, and I can not but think that you are fortified by so many years residence in your birthplace, to be free from its attack; yet I am not without much uneasiness with respect to you as well as Johnston. He has intruded himself into the pestilence, and I would calculate certainly on his having a struggle for life, if not for a sort of analogy, which, tho' it has no real basis in reason, has some influence on the imagination. It is often seen that an enemy is quelled by meeting him half way and becoming the assailant instead of avoiding him, and one is very apt to apply the same remark to the destroyer that walks unseen. But with all my heart I wish he had stayed in Virginia when he was there. * * * I will not hurry like Johnston to meet the enemy, but there would be less credit in doing so, because the risk would be next to nothing to such a resident as I, and so old. Having nothing to gain in point of reputation therefore, I am not in haste, but having little or nothing to lose, I have no intention of putting off my return a moment longer than the calls of business reach me. * * *

To those who did not know Mr. Petigru, or who knew him only slightly, the course he pursued with the Blue Ridge Railroad is a revelation. The corporation had fallen among thieves and was sued in different States for sums which the claimants had never earned. Mr. Petigru defended the road with zeal and success. In payment of his great services the president of the railroad company offered him a check for a large amount, with an expression of regret that it was not larger. Mr. Petigru returned the check, and though it was pressed upon him, was resolute in refusing to accept any fee. The defendants had been wronged and that was enough to secure his sympathy and services. Installments on the shares of the railroad for which he had subscribed were uncalled for and unpaid. The company proposed to give him credit for the whole amount. This proposition was likewise rejected and he handed to the company his own check for the unpaid installments. It must be remembered, too, that he was not rich. Nor was this the only case in which he was resolute in refusing a fee, even from a corporation.

He was often employed and consulted by the British Government, especially in reference to colored British sailors in the port of Charleston. On one occasion, when the British ministry then in power had specially engaged his services, he sent in a bill for £20. His daughters cried out upon him, declaring with

great truth, that he could have as easily made out one for £100 and been more highly thought of for doing so. But he was inexorable. Upon this or some similar occasion the British consul* returned to the office an opinion with the complaint that it was not punctuated. "Tell Mr.—," said he, "that a legal opinion should be written in such English as will express its meaning clearly without the aid of punctuation."†

TO ALFRED HUGER

Badwell, 22d October, 1858.

My dear Alfred:

Your congratulatory letter 9 days ago, just as the votes for Senator were counted, gave me three days of unmitigated respect for the Sovereign People. But when a stray newspaper from the Village, anticipating our Post, brought the account of the rout among our friends, it was like the news of defeat after *Te Deum* for a victory. My friend Johnston has, by this time, I suppose, digested the affront the best way he can. If misery loves company, there is plenty of that, and if there is any consolation in a stoical contempt for external fortune, there is every opportunity to practice it for the benefit of our townsmen, who have left out Nelson Mitchell, the leader, and very nearly excluded Simons, the Speaker, from a seat in the House. On comparing the names of the 18 with those of the rest, one can not but feel that there is a great advantage in deciding by lot. We shall, no doubt, see the time or other people will, when it will be considered quite a privilege to be allowed to draw straws for places of honor, and to throw "even or odd" for our head man. Our chance, between Henry and Mordecai, would have been as good, and for the House, ten times better. The leaves are beginning to fall, and it is a pleasant sound to hear the acorns as they come down to the ground with a clatter, renewed with every gust of wind. But it all reminds me that I ought to be at work, and I hope my friend Porcher is ready to lift the quarantine and bid me come home. Do tell him so for me. I long to see you and talk over the things that we have seen, as seated under your hospitable roof, or pacing up and down the pavement in Broad Street. I hope Mrs. Huger is able to go through her task of doing good day by day without failing in health; and in resolution and spirit I know she never will fail. Adieu.

Yours,

J. L. P.

*Robert Bunch.

†Anecdote from Joseph Blythe Allston.

CHAPTER XLI

1859

HISTORICAL INVESTIGATIONS; JAMES LATE; LECTURE TO WILLIE;
SOUTH CAROLINA RAILROAD BRIDGE; REVIVAL STIRS ABBE-
VILLE ATMOSPHERE

TO W. NOEL SAINSBURY, LONDON

Charleston, S. C., January 10, 1859.

Dear Sir:

I have seldom been more gratified than by your three letters of the 4th, 6th & 9th of November, and so far from thinking your Bill extravagant, I am sensible that you are entitled to thanks from me, not only for your diligence in pursuing the inquiries, but for the humane and moderate estimate you have put upon your services. I am obliged to you too for the *Literary Gazette*, which I have read with more than common interest on your account. Have the goodness to mark me as a subscriber to your forthcoming publication on the life of Reubens and send the book as well as the Bill to Fraser & Trenholm.

Your researches have brought to light many circumstances respecting my worthy uncle E. Gibert with which I was unacquainted. Should you be inclined to publish any account of him and his works, you have my full consent, and indeed I would be glad of it, and wish to see it. I have no idea of doing anything of the kind myself. But if you do write, I would suggest a caution against receiving implicitly something said by Mrs. Grut. I do not believe he was brought up among Roman Catholics, for the family settled at Alais in Languedoc have always been Protestants, having probably had their minds imbued with sentiments adverse to Rome since the days of the Albigenses. I have also great doubts of the account of his having at one time leaned to Socinian principles; for such a statement is at variance with all our traditions. I have conversed with two persons that remembered E. Gibert and from them have learned that he taught the French language in London at an early period after his emigration. How he came to be patronized with the appointment of Chaplain I have never heard. Nor did I ever hear till I received the information from you of his being distinguished by the notice of Lord Auckland. I am afraid that it is too late to gain any further advices of my good Great-Uncle; and can not but regret that his corres-

pondence where we would have been likely to get some insight into his life and adventures, has perished.

Now I wish to engage you in another pursuit—the investigation of an obscure subject—the Life of Louis Dumesnil de St. Pierre. Mr. Rivers tells me he has forwarded to you a copy of our second volume, of the Collections of our Society, made up in great part of materials furnished by you. If he had not done so already, I would. At page 194 Extract from Vol. XXV under date 1771 Dec. 18, his name is found. He is connected with out traditions, but I have no other account of him, except of a duel, and of his fall in a battle with Indians. But there is a book called “St Pierre on the Vine,” which I have a notion was written by this man. It was in a Public Library in Columbia, that I saw it, but in the lapse of time it has disappeared. You can no doubt get at the book through the British Museum. I request you to see whether it contains anything to identify the writer with our St Pierre: and if there is anything to be learned besides concerning the St Pierre whose name is connected with New Bordeaux, it will be a very acceptable present. At all events I will ask you to transcribe the memorial, which your Extract refers to, and any other papers that seem to throw light on the subject.

There is another inquiry more hopeless in which I would be glad to enlist your services. It is to ascertain something of the history of one Jean de la Howe, who was a conspicuous figure among the people of New Bordeaux. He died in 1797. He left a considerable property to found an agricultural school, which exists in a flourishing condition; but those who enjoy the bounty are ignorant of almost everything touching their benefactor except his name. He was a native of Hanover, and served long as a surgeon in the English Armies. If there are any records, in which the names of the Medical Staff are preserved, I would be glad to know what is said of him. He was French in his character tho’ he spoke English with facility and must have been in South Carolina as early as 1760.

I will add only one more topic, which is to inquire whether Joseph Samuel Pettigrew, Practitioner of Medicine, and as I have understood a lecturer on Egyptian Antiquities, is living and where.

My friends in Liverpool will honor your drafts, for what you may draw on my account, which will be paid with thanks,
Dear Sir, of

Yours truly,

Mr. Petigru regarded want of punctuality as a grievous offence. One Sunday after church his grandson, James, not feeling very well, retired to his room after taking the precaution

to tell Sandy, the head waiter, to call him when the guests, before dinner, assembled in the parlor. As was usual Sandy told Sam, and Sam told Tat, the fly brush boy, and he was sent out on an errand; each one doing his duty by shifting it to some one else. When James was notified he hurried down. When he reached the foot of the stairs expecting to enter the parlor on the left, Sammy, with a flourish, opened the dining room door to the right. Here to his horror were about a dozen people already seated at the table. He did not have the presence of mind to run, but feeling innocent of any delinquency politely went around the table, shook hands, and took his seat.

That night when he was quietly reading at the dining room table about nine o'clock, Mr. Petigru returned. He saluted him as usual and resumed his book. Mr. Petigru walked up and down two or three times and then sharply said, "My friend, I want a word with you." He then spoke of the want of respect and rudeness towards his guests as well as himself, that had been shown by one coming in late to dinner with a scowl on his face, and disturbing the whole party. James meekly said, "Allow me to explain, sir, that I certainly had no intention of showing want of consideration or disrespect." He said, "There is no explanation, sir. Your conduct speaks for itself, and as to intention, do you suppose that when a man is hung from the gallows, he started life with the intention of being hanged?"

When he paused James bolted from the room to the hall, seized his hat and, in a fury, rushed out of the house, slamming the street door with a tremendous bang. To let slam any door in the Broad street house was an unpardonable crime. Mrs. Petigru's bell was immediately heard to jingle violently; once, twice, three times. This was to summon her various maids to inquire about the outrage. James immediately made up his mind to run away to sea. He went to the dock, but he did not find there the usual "ship in the stream" awaiting him. However, a shipkeeper told him to come back in the morning. Suddenly he heard the last bell begin to ring, and he then remembered that he had promised to bring home his cousin, Adele King. He soon told her his trouble. She laughed at him for having come into the dining room, but immediately took up his cause. It was a beautiful moonlight night and they walked around the Battery. She soothed him, and, being a young

woman with a deal of common sense, advised him to go home, and to insist on telling the whole story to his grandfather in the morning, and make his peace with his grandmother as best he could. However, things had taken a lucky turn. Whenever anything unusual was going on in the household there was always sure to be someone listening at the door. Nanny, the first maid of Mrs. Petigru, was censor of the establishment. She had reported that "Ole Massa holler at Mas' Jeams an' mak 'um cry, an' he run outa de house an' dat mak de doah slam," consequently Mr. Petigru was the culprit and James the injured party. To reach his room James had to pass the door of Mrs. Petigru. To his surprise it was open, and she was on the watch for him. She in a gentle voice hailed him, "Come here, my son; come here, my son." Everything had been smoothed over, and with the greatest sympathy she listened to his story. Just then Mr. Petigru, bedroom candle in hand, entirely unconscious of any storm, passed the door. She called to him, and with a look of resignation he faced the coming tornado. Then ensued a most comical as well as a most painful scene. She insisted that James should explain why he was late for dinner, which he did in a few words. Mr. Petigru listened with patience and then said: "James, I find that I have done you a great injustice, and I humbly ask your pardon and forgiveness."

There are few men of seventy who would thus speak to a cub of fourteen. This episode effected an immense change in the boy; from having been inclined to be rebellious he was completely subdued by this magnanimity. It served to draw grandfather and grandson closer together. Mr. Petigru ceased to speak ironically of James as the "amiable misogynist." The boy overcame his awe and soon found him a most delightful companion. Ever afterwards Mr. Petigru would 'request,' or say "it would be most gratifying to me for you to" do so and so, and his slightest wish was most cheerfully obeyed.

TO MRS. JANE PETIGRU NORTH

Charleston, June 17, 1859.

My dear Sister:

* * * No news could have pleased me more than that the acorns have come up, for I was very dubious about them. The notice was an augury of good fortune, for today we have an

intimation that the Bridge* case is reversed, which is \$30,000 to the railroad and a great deal to me in credit. Though at three-score and ten credit is not as joyful a it was fifty years ago, yet even age has its sensibilities. I returned from Savannah on Wednesday morning. The rumor of Thursday may be groundless, but it is something to have come so near success to divide opinion, even if one has not succeeded.

Johnston has sailed. His man, Nat, desired me to say to his master when I wrote that he was already counting the days till he should see him again. Said I, "Nat, is that sincere, or does it come from the teeth outwards?" "Sir," says he, "it comes from my heart." With poor Nat's sentiment I will conclude and not be ashamed to appropriate it to myself in relation to you and Mary and Badwell.

TO MRS. SUSAN PETIGRU KING

Badwell, 5 September, 1859.

My dear Sue:

* * * Our atmosphere has been stirred in an unusual degree by a revival in our neighborhood, which has become a perfect storm. It began on Friday, the 27th August, so this is the 10th day of active preaching and praying. A prayer meeting in the morning, two sermons during the day and the intervals filled by psalms and hymns. And what is really strange to me, on Sunday last, Mr. Hill, the preacher, seemed as fresh as if he was just beginning the campaign. I was rendered very sorry by a letter on Saturday from one Clenkscales, who says he has Sammy's wife, and rather than part them offers to buy or sell. The wife would be of no use to me and I have no right to sell Sammy, for he belongs to Ma, and I more than doubt whether she will be as willing to make a sacrifice for the marriage union as I. * * *

YOUR PAPA.

*The South Carolina Railroad bridge from Hamburg to Augusta. Mr. Petigru, considering that he had only defended the railroad from an act of injustice, declined to make any charge for his services. However, the railroad presented him with six acre lots in Summerville.

CHAPTER XLII

SLAVERY; BESSELLEU; GEORGE BROAD; PASSAGE TO LIBERIA;
THE SMALLEY CASE; OLD TOM; RETURN OF A MISCREANT;
DADDY LUNNON

As regards the institution of slavery, Mr. Petigru held the same views as did Washington, Madison and other fathers of the Constitution. In one of his letters he writes: "So much am I a disciple of Locke and Montesquieu that my mind does not balance between freedom and slavery."

He considered slavery in itself a great social and political wrong and the ruin of the States of temperate climate. As he lived in a community where slaves as property were recognized by law, he did not think it a wrong inflicted by himself on "Sandy" or "Nanny," but a wrong to humanity. He well understood the capacity and limitations of all of those who came under his hand. He, with the greatest forbearance and patience, tried to improve their moral and physical condition and thus raise them in the scale of civilization. In writing about his plantation December 25, 1835, he says: "The only thing to flatter my vanity as a proprietor is the evidence and striking improvement in the moral and physical condition of the negroes since they have been under my administration. When I took them they were naked and destitute. Now there is hardly one that has not a pig, at least, and with few exceptions they can kill their own poultry when they please."

"I have heard him say that in the condition of the negro in this country the happiest lot for him was to belong to some humane master whose interest it was to protect him as property and thus secure to him the enjoyment of those few rights which the law allowed him."*

Although his ideas of slavery were diametrically opposed to the general view of the South he was no abolitionist. His respect for law, justice, and established institutions caused him

*Lecture of J. D. Pope.

to deprecate any sudden change as being equally mischievous and cruel to the black man as well as to his owner.

He was always a Freesoiler, was opposed to the extension of slavery over one foot of free soil, and would have been glad to see it shut in the States where it existed and die out a natural death by competition. A few days after the firing on the *Star of the West* in Charleston harbor, he said, * "I never believed that slavery would last a hundred years; now I know it won't last five."

The rights of free negroes Mr. Petigru was always defending. He was a champion to whom they flew as a sure refuge. The following letters are grouped, regardless of their chronological order, for the purpose of more clearly displaying Mr. Petigru's attitude of mind toward slavery and the general condition of the negro in the South.

TO J. P. DEVEAUX

St. Michael's Alley, 18 July, 1853.

Dear Sir:

Toney is a man that has the confidence of his owner, and of course a character among people of his degree, that he would not like to lose; and in that I think he is right. You are guardian, I understand, for a free man, or a man not free, belonging to Mrs. Verdier, called Richard, a stable keeper in St. Philip street. He has accused Toney of poisoning his horses. I have no doubt that the accusation is nothing more than the expression of general ill will and that he does not believe it himself. But as I have reason to suppose he has made you acquainted with his story, and as I stand towards Miss Webb in the same sort of relation that you do to Mrs. Verdier, I request your assistance to quell this quarrel. I have forbid Toney going near Richard's premises, or meddling with him, and if you think it right I hope you will do as much by your man, and am Dear Sir,

Yours truly,

P. S.—What I mean is that Richard keep clear of speaking of Toney, and learn that even a negro's character is of some account, and ought to be respected by another negro.

He did not stop to count the cost, when he, aided by Joseph H. Dukes and Charles H. Simonton, the latter then a young lawyer and afterwards judge of the United States District Court,

*Lecture of J. D. Pope.

instituted proceedings in the nature of ravishment of ward to establish the freedom of Archie and John, two colored pilots in Charleston harbor, upon the ground that for very proper reasons these quadroons with their mother had been emancipated under the humane provisions of the act of 1800. The suit failed, but Mr. Petigru believed he was right. He believed that they had been unjustly deprived of their liberty, and so believing he struck in their behalf.*

He did not stop to balance the consequences when he took up the cause of the illegitimate children of George Broad, a foreigner by birth, and for many years an inhabitant of St. John Berkley, who died at an advanced age, about the first day of May, 1836, without ever being married; leaving an old slave, an old woman and her eleven children and two grandchildren who were acknowledged by him as his natural offspring. By his will he gave the mother and children and all his estate to one John R. Dangerfield in trust expressly for them without the inter-meddling of Dangerfield, further than might be necessary to secure to the slaves the full use and enjoyment of the said estate. Dangerfield took possession of the old woman and her children and grandchildren, and the estate. He permitted the slaves to have the use of their own time according to the will; but sold three of them and sold the real estate and appropriated the money to his own use. After his death his son affected to treat the said slaves as the *bona fide* property of his father.

Petigru was of the opinion that policy as well as humanity and justice forbade the attempt to reduce to servitude people who had been practically free people of colour all their lives.

He caused the property to be escheated to the State; and this done he proceeded to procure by his own personal influence the emancipation of these unfortunate persons by act of the legislature December 19, 1855. That the parties were poor and friendless, and wronged, furnished a sufficient reason for his action. His sense of right rebelled at the injustice that those who were intended to be practically free should be reduced to the condition of absolute servitude.*

*J. D. Pope.

W. MC LAIN TO PETIGRU

Colonization Rooms, Washington City,
28 February, 1854.

My dear Sir:

Your esteemed favor of the 24th inst. is ackd. and I am happy to answer the inquiries which you have made. Those "able bodied men and women," if of good character, could do well for themselves in Liberia.

It will cost \$60.00 each one, on a general average, to transport them there, and support them six months, until they are acclimated and can take care of themselves. They ought to be well supplied with clothing, tools and implements of husbandry; with cooking utensils and table furniture, and whatever is necessary to the comfort of "new comers in a new country"; for they are expected to live in their own houses, on their own land, and dependent on themselves. I hand you herewith "Information about going to Liberia," which will be of much advantage to the kind friends who have a care for these people.

I send you herewith a copy of our last Annual Report, and remain

Yours, dear sir, with true regard,
W. McLAIN.

The Smalley case was another that aroused the indignation of Mr. Petigru. Smalley was an unfortunate creature of no means but Mr. Petigru compelled him to bring action for damages. Without hope of fee or reward Mr. Petigru confronted men of wealth and influence, some of them personal acquaintances if not friends. It was on this occasion he advised a friend of the opposite side to absent himself from the trial, "for," said he, "I shall be compelled to say some unpleasant things." His speech was most eloquent and masterly, and his modest account of his efforts, shown in the following letters, gives little idea of the effect it produced on all who heard it.

TO MRS. JANE PETIGRU NORTH

Columbia, December 2, 1854.

My dear Jane:

* * * I made out pretty well on Thursday. Got a verdict for a low Yankee whom the gentry of St. Bartholomew's had abused and treated like a dog merely because he was a poor Yankee: not only got a verdict, but an exemplary one—\$2,500. The vigilance committee had determined that no Yankees should come among them and, in pursuance of this determination, seized this man, a wood chopper, tied him and carried him

to jail, and under the ridiculous pretense that he had stolen a piece of rope, whipped him publicly. General Martin and Mr. Treville defended the action, and labored hard to involve my client and me in the odium of abolitionism. But they signally failed. This case has been the only thing in my head for the last week. * * *

YOUR BROTHER.

TO WILLIAM ELLIOTT

Charleston, 14th December, 1854.

My dear Elliott:

* * * So you have heard of Smalley and are under the common mistake of supposing that the Verdict was the result of a great speech. I give you my word, that the speech did not satisfy even myself, an indulgent sort of man at any time and certain to be so in this case. It was, in fact, a mere improvisation. Not one of the good things, that I had in my mind, was broached. The gallant Ingraham, who covered the Austrian brig with his guns, because Kosta said he claimed the rights of a citizen; Calas, in whose behalf Voltaire roused all Europe; Verres and a whole army of such instances, all disappeared. Treville made such a downright appeal to party and prejudice and called for a verdict; on grounds that confounded me with my client to such a degree, I felt so much for my own wrongs, as to forget the victims of historical wickedness and tyranny. The speech, if it could be recalled, therefore, would not come up to your anticipations or even those of less fastidious judges. I had said to Tom Rhett, that I defended Smalley as I would defend him, if he was in the hands of a fanatic crew, that were going to try him as a kidnapper, on suspicion. Treville arraigned me for the saying, as putting Rhett on the same footing with an abolitionist, taking for granted that Smalley was one. I commenced by reasserting what I had said and denying that, in doing so, I had said anything inconsistent with Southern Honor. That was my guard and the event showed the superiority of the sentiments that are common to humanity, over temporary excitement. The Legislature have really done all they could to make the case their own. Farmer was made Master-in-Chancery, avowedly to enable him to pay the verdict, and Treville Lieut.-Governor, to console him for his defeat. I am afraid poor Farmer will never get security, for, his friends are very shy of that sort of solidarity. * * *

Your friend,

Tom and Prince were inherited by Mr. Petigru's mother from her brother Joseph Gibert. About four years after her death in

1830, Prince, the elder, whose wife belonged to a neighbor, came to Mr. Petigru and said that as he had long been a faithful servant of the family he thought he ought to be free, and he wished to be so. His desire was immediately satisfied and he received his papers of manumission. Then Tom was called and asked if he also desired to have his liberty. He replied that he had his wife and his children with him and was contented, and said, "I shall remain as I am." Tom was always a privileged character. At Badwell he had his house, his field, his pony, his cows, pigs, chickens, and also his jug. At Christmas he received a present of \$20 in gold. During the winter he came to Charleston and paid visits to the various members of the family. At the house of Mr. Petigru, in Broad street, he was treated as a distinguished guest; but in the yard he was not looked upon with much favor by the delinquents. The savage came out and it was often with difficulty that he could be restrained from straightening out the whole establishment. He maintained that "Marse Jeems had more sassy, no'-count niggers in his yard than anybody in the city." Every afternoon after dinner Tom was invited to the back piazza, a decanter was brought and he had his dram of brandy. Mr. Petigru would seat himself on the steps and he and Tom would tell old stories, and judging from the laughter they must have been very amusing. At his death he was buried in the family graveyard not far from the grave of the old pastor. A tombstone with the following inscription was erected to his memory:

DADDY TOM

A faithful servant and honest
Departed this life
The 9th day of February 1857
Born on the place before 1776
A kindly temper a cheerful
Obedience and willingness to work
Conciliated the regard of those
Who treated him in his
Life time, as a friend
And caused him when he died
To be buried like a Christian.

Mr. James R. Pringle, Jr., used to tell with great gusto of an occurrence in 1841 which greatly amused him and his fellow-students in Mr. Petigru's office. It seems that one night when he was returning home he came across a negro who had been arrested by a "guardman" who asserted that the pass was wrong. The negro, who knew Mr. Petigru, appealed to him. The trouble was the guardman was a German who could not read English. Mr. Petigru explained to him that the pass was correct and that he had no right to arrest the man, hearing which the negro immediately bolted. The guardman then attempted to arrest Mr. Petigru for releasing his prisoner, at which Mr. Petigru promptly knocked him down and quietly went home. The next morning he received two summonses from Mayor Mintzing's office which he politely dismissed. When the third summons was sent he said to the messenger, "My friend, it is most fortunate that I am an humble and peaceable man, and you tell Mintzing that my advice to him is to go to h—— and teach his Dutch myrmidons to speak English and not molest law-abiding citizens on their way home."

While Mr. Petigru was always ready to aid all who had any possible claim on him, he was intolerant of anything like a base spirit. Out of regard for the family of a man who had been convicted of whiskey selling and sentenced to be whipped, Mr. Petigru exerted himself to have the sentence commuted to banishment from the State, with the condition that if the party should return the original sentence should be executed. The man left the State and stayed away a year or so, but the pressure of want and perhaps the force of early associations induced him at last to give up the struggle. He returned and took his whipping. Some time after he came unexpectedly upon Mr. Petigru.

"What brought you back to South Carolina?" cried the latter in indignant tones, the danger signal on his forehead showing forth in flaming scarlet.

"Please, sir, Mr. Petigru, I could not make a living anywhere else."

With withering scorn Mr. Petigru retorted, "Wasn't hell open?"

Mr. Petigru's cook was called Daddy Lunnon and was, probably, the most celebrated artist in the city. Hamlet, a younger negro, was handed over to him as an apprentice. One

afternoon Hamlet came to Mr. Petigru with his head tied up, complaining that Daddy Lunnon had knocked him down with a stick of wood. Lunnon was summoned and stated that Hamlet was the most "no-'count nigger" he ever had known.

Mr. Petigru remonstrated with Lunnon about his harshness and proceeded to give him a lecture about the training of youth, —that he must be gentle, that he must encourage them, that he must strive to develop their moral nature.

Lunnon listened to him with a most pitiful look. When he paused, Lunnon said, "You have me for cook, sir?" "Yes." "Do I cook to suit you?" "Yes, Lunnon, no one can do better." "You sent Hamlet to me to learn to cook?" "Yes." "Well, sir, I learned my trade from Davie Deas and the same Davie Deas do for me, I do for Hamlet."

With an air of triumph he went to his dominions and Mr. Petigru, discomfited, retired. Hamlet eventually learned to cook, and, in turn, with his apprentices, continued the system of Davie Deas.

CHAPTER XLIII

1860

EDWARD EVERETT; WHITE SULPHUR SPRINGS; WORKING ON
CODE; POLITICAL; LAW ABOUT GUNS; MISS CUNNINGHAM,
MT. VERNON; TONEY DRUNK; POLITICAL; SECESSION OF
SOUTH CAROLINA

TO EDWARD EVERETT

Charleston, 3 January, 1860.

My dear Mr. Everett:

I have a great deal to thank you for; and have been but slow in acknowledging your various good offices, in the books you have presented; rendered more valuable by your autographs. But like the ungrateful race who are always more prone to ask for new than to render thanks for past favors I am about to make application for a still more signal exercise of your benevolence. For it is nothing less than a high degree of charity to lend one's self to such a service as that of becoming a petitioner for another. And it is just that, which I have the temerity now to wish to impose upon you.

In the year 1858 at the sitting of the Supreme Court of Massachusetts in Boston was decided the case of Atlantic Bank vs. Merchants Bank, which called forth from the Court a judgment which Themis herself might have dictated. The facts are public; the decision has been made known, and the readers of the Monthly Law Reporter are even advised of the names of the distinguished counsel who were deemed worthy of being intrusted with the argument of such a cause. But Little & Brown say that Ch. J. Shaw has still reserved his opinion, and that 8 Gray, in which it is to appear, still labours in the press. Nor do these worthy biblioplists seem to profess any influence over the publication. It so happens that a case exactly similar (which is rather breaking in on Lord Coke's authority "*Nullum simile currit quatum pedibris*") is to come on before Chf. Justice O'Neale and his assessors in a couple of weeks. The Bank of Charleston occupy the very ground that the Atlantic Bank stood upon, and they would think no price dear for a copy of Chf. Justice Shaw's opinion. And if by influence or by money, the Reporter could be induced to furnish a copy in MS. or in print, or if the venerable Chief Justice would condescend to allow a copy of his judgment to be taken in advance, as well as

that of the other members of the court, it would be a prize for our friends greatly to rejoice.

My dear Mr. Everett you can judge whether it is practicable to obtain in whole or in part our desire for a report of this case to answer the present emergency, and to this end if you will lend your aid the favor will never be forgotten by my friends or by yours truly,

P. S.—My daughter has reached home after much suffering at sea, but is greatly comforted just now by a spell of cold weather.

TO ALFRED HUGER

White Sulphur Springs, 5 September, 1860.

My dear Huger:

* * * The chief discourse, here, is about Lincoln, for the election is only another name for the topic that involves the many shades of opinion concerning the probable results of having such a President. Of late, however, the notion of his being elected does not prevail so exclusively. The company, here, contains a great number of Bell & Everett men, and the fusion of them and the Douglass men in New York, inspires the sanguine with some hope that New York may be rescued from him; and without New York, it is very reasonably inferred that he can not be elected. But, even if we are doomed to disappointment, and he carries the day by the popular vote, I don't think South Carolina will secede. If such a thing, however, shall take place, we may spare our regrets, for it will prove that disruption was inevitable. No possible issue could be more untenable than to make his bare election a *causus belli*, without any overt act against the Constitution or even, the Dred Scott decision. If our planters were in debt, or cotton was at 5 cents, as I have seen it, such a thing might be likely; but, our magnanimous countrymen are too comfortable for such exercise. Therefore, I don't believe they are going to set fire to the Union, though there are members, no doubt, that would like it. Mr. Breckenridge is likely to fill a place among the folks that are remembered as examples of the sport of fortune. The split in the Democratic party comes in the nick of time to mar all his hopes. His friends, who endorse his own declarations of his devotions to the Union, say that it is impossible for him to bear the load of South Carolina friendship with Yancey upon it. Douglass runs to beat him, and if he is beaten, Douglass gains; but, he doesn't run merely to beat Douglass, and the cup of disappointment will have nothing in it to relieve the taste of the nauseous draft. There is nobody here like Mr. Wirt, but, Mr. Morton, the chief authority, is a very gentlemanly man, and I take great pleasure in his company. We are going to the Sweet tomorrow, with

very little inclination on my side. I hope Mrs. Huger has come through the summer bravely, that Charlotte is well and the children well, and that you my dear friend, are well enough to take some interest in the otherwise dull effusion of

Your friend,

P. S.—Since closing the last page, I have seen Vanderhorst, and when I told him I was writing to you, he desired me to make him remembered, regretted you were not here and said he don't write, because he had nothing to put to paper.

TO MRS. JANE PETIGRU NORTH

Greenwood, September 26, 1860.

Dear Sister:

* * * The indications from the papers are that a set of Secessionists are to be run, and the chance of our friends does not seem bright. * * *

TO MRS. JANE PETIGRU NORTH

Summerville, October 3, 1860.

* * * Johnston was in North Carolina; whether he has returned I don't know. His name is withdrawn as a candidate and Henry's also, and we are likely to have a precious set of members.

TO MRS. JANE PETIGRU NORTH

Summerville, October 16, 1860.

* * * I have been working away with might and main in Schroeder's loft upon my task [the code] and have Lowndes & Middleton now with me, who are docile and diligent auxiliaries. I think we will not stay much more than a week longer in this place if we can help it. Johnston comes sometimes to see us and spends a night, but never more than one night at a time, though he confesses that the pine land air is good for him and even acknowledges that he likes it. I received one letter from Caroline and one from Sue, but it was just as I arrived. Since that time, which you may not remember was the 27th September, I have heard nothing, except by a letter of Caroline to her mother. She was then in New York, and through Mr. Bancroft's interest had received an invitation to the Prince's ball. * * * But I will not defer to another time my love to all and everybody that is—Mary and Louise and Carey and Charles, and the boys at Wilmington and the children at Cherry Hill, not forgetting my greeting to the poor nigs, and last, and not by any means least, you, the first and eldest sister of

YOUR BROTHER.

In the year 1859 the legislature passed an act providing for "such a code of statute law as, if enacted, might, in connection with the portions of the common law that would be left unaltered constitute the whole body of law in this State."

The work was entrusted to a single commissioner with the aid of assistants of his own selection, and attaching a higher salary to the office than that of any other State officer.

The importance as well as the difficulty of the work indicated that a person of extraordinary abilities was contemplated for the work. The choice of the legislature fell on Mr. Petigru, whose talents, reputation as a jurist, general learning, high character and indomitable industry was well known. The salary of the commissioner was fixed at five thousand dollars per annum, payable quarterly, with power to employ two or more assistants to receive jointly four thousand dollars per annum. He was also authorized to expend five hundred dollars for the purchase of such books as were not in the public libraries of the State.

The following year, according to law, he submitted a report to the legislature; he stated that the general arrangement of the work had been borrowed from Blackstone.

The tautology and verbosity of Parliamentary style in respect to gender, number, mode and tense, which add nothing to the sense and greatly obscure the meaning to the mind of a reader was inconsistent with the purpose of a code, and in this undertaking had been necessarily avoided.

He pointed out where the laws were confused, contradictory, or absolutely deficient as to the title to land, the conduct of criminal cases, breach of trust, or destruction of a will. The delicate power to suggest amendments, alterations and additions to the existing laws was very sparingly used.

The war had come on, yet such was the force of his personal reputation that in the very fury of secession he, an avowed Union man, was chosen to codify the laws of the State, and the appointment was annually renewed by the legislature, every member of which was a sworn secessionist.

After three years of grinding labor with many disadvantages the work was finished. He wished to present it with an address to the legislature at that session; afterwards it was proposed

that he should do so to the commissioners appointed to receive it at his office.

They twice called on him for the purpose, but he was too ill to receive them.

Nothing was done towards the adoption of the code until after Mr. Petigru's death. The legislature in 1865, when things were in a most chaotic condition, referred the matter to the House Judiciary Committee, which reported adversely to its adoption on the ground that the work embodied as law the views of Mr. Petigru as to what the law should be. Reference to the statute creating the office shows that that was exactly what the legislature which authorized the work had intended should be done. But of the committee of seven, of whom only five being present, three of them voted to reject it.

During the Republican administration, Corbin, the Attorney-General, modified this code in imitation of that of Vermont. Subsequently a committee headed by Charles H. Simonton, afterwards United States Judge, revised the code, adopting Mr. Petigru's suggestions and recommendations as to new laws, but instead of using his system of having it divided into chapters in imitation of Blackstone, it was considered more convenient to refer to the various acts by numbers.

TO EDWARD EVERETT

Summerville, 28 October, 1860.

My dear Sir:

I am very much obliged by your "*Life of Washington*," which I have read with great interest, and think a valuable addition to *American Biography*. The events of his life are related concisely and clearly, and the interest of the narrative is not overlaid by collateral history. Such a Biography is well adapted to become a school book, and nobody could wish anything better for the rising generation than that their sentiments and their style should show that they were familiar with the *Life of Washington*. But I fear that our aspirations for the future, must be referred rather to the generation that is to come after the rising generation than to a less distant period. The prevailing character of our public men is certainly copied after anything rather than Washington. The most shameless egotism, and the most sordid ambition, are so far from being in disgrace, that they assume in the common mind the rank of popular virtues.

But the ensuing week may be fraught with events that would go far to redeem the character of the people, which now suffers

awfully in the discredit that justly attaches to their favorites. My own countrymen here in South Carolina are distempered to a degree that makes them to a calm and impartial observer real objects of pity. They believe anything that flatters their delusion or their vanity; and at the same time they are credulous to every whisper of suspicion about insurgents or incendiaries. If Lincoln is elected it will give the Union a great strain; yet still I don't think that this State will secede alone; because the country is too prosperous for a revolution; and the same reason is likely to keep Alabama and Georgia from taking the plunge.

If Lincoln fails and our ticket comes next,—two very doubtful contingencies, I suppose,—there certainly will be reason to think better of Demos, and to be doubly thankful to Providence. Hoping while there is hope and thinking more and more of the debt which society owes to those who imitate the virtues and spread the influence of Washington, I am my dear sir,

Yours truly,

TO MRS. JANE PETIGRU NORTH

Summerville, October 29, 1860.

* * * My task proceeds slowly. It is extremely tedious to pick out the meaning of various Acts and weave them into something like a consistent discourse. James Lowndes and Middleton are very assiduous and perfectly willing, and if we only had to copy the work would grow rapidly in bulk. I have begun to print and go down tomorrow to examine the proof-sheets. My days pass very monotonously and I see no one because I have no time for conversation during the day and too much fatigued to go out at night. * * * I am afraid Tolbert has the law on his side about the firearms.* It is not considered neighborly to interfere in such a case. The law about negroes is laid down with great rigor and if it was put in force constantly, would greatly interfere with the comfort not only of the poor nigs, but the poor buckra, too. The master would be in a situation like that of the jailer, whose confinement is almost as strict as that of his prisoner. But in the distempered state of the public mind we must expect to meet with some annoyance, and if our neighbors think fit to confiscate our guns, we must take it as one of the penalties of society.

*J. P. Carson had lent his gun to Andrew to shoot squirrels, and it had been seized.

TO MRS. JANE PETIGRU NORTH

Summerville, November 5, 1860.

* * * Miss Cunningham,* through one of her assistant secretaries, writes me that Lincoln's election is likely to blow up Mt. Vernon, for though the purchase money is paid there is nothing to stock it, and contributions are almost at a stand. Before we hear from one another the die will be cast, but I don't think the hazard so great as many do, for it is not easy to undo the complicated machinery of that great engine or government. Adieu.

YOUR BROTHER.

TO MRS. SUSAN PETIGRU KING

Charleston, 10 November, 1860.

My dear Sue:

* * * I am surprised that you are so indifferent about returning, as not to have fixed any time yet. It is not a pleasant place to return to; nearly the last hope of safety is cut off by the last news from Georgia, implying the consent of the majority to follow Carolina. We shall be envied by posterity for the privilege that we have enjoyed of living under the benign rule of the United States. The Constitution is only two months older than I. My life will probably be prolonged till I am older than it is. I must write briefly, and have actually just turned a gentleman out of the office, because his business was not important enough to justify interruption. I saw little Addy Wednesday was a week, when I snatched a brief interval with our Cherry Hill and George Street friends in the car. Adieu.

YOUR PARENT.

TO MRS. JANE PETIGRU NORTH

Charleston, 13 November, 1860.

My dear Jane:

You see how saving I am getting to be, as I will not waste a sheet of paper because it is scratched. There is certainly reason for it, and we have fallen on evil days. It is sorrowful to see things that impair our respect for our countrymen, and nothing can be more efficient to produce that feeling than the scenes that are passing. It is barely possible that Georgia may recoil from the [action] that the Secessionists are driving to. The South Carolina men show by their precipitancy that they are afraid to trust the second thought of even their own people, and if the Georgians take time to reflect they will probably come to the conclusion that there is no necessity for action. But that is very uncertain.

*Miss Ann Pamela Cunningham, Regent of the Mount Vernon Association. Mr. Petigru was always her legal advisor, and wrote the constitution of the Mount Vernon Association in 1856.

* * * Last night the West Point Mill was burnt; the Governor had \$5,000 in it. I was commiserating him and Joe under the load of debt that they are caught in this revolutionary day, when this new addition to the Governor's troubles is upon him. * * * Adieu.

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Broad Street, November 20, 1860.

My dear Sister:

Poor Beasley! Who would have thought that he would earn a name in history as a secession victim. But these things all are awful foreboding of what is to come when the passions of the mob are let loose and the truth is our gentlemen are little distinguished in a mob from the rabble. * * *

I am very busy with the code and still backward.

TO MRS. JANE PETIGRU NORTH

Charleston, November 27, 1860.

My dear Jane:

* * * The prospect does not improve. There is little hope of reaction till too late. I am going to Columbia tomorrow, with a portion of my report and John Middleton will bring up the rest, I hope, on Saturday. I have no idea that they will continue the commission, for they will have more to do than they know how.

* * * One remarkable thing is the prevalence of fear among them that are rushing into an unnecessary and untried danger. It appears that Ben Huger is to leave the United States service and take command of the South Carolina army. I've no idea that there will be any fighting until war breaks out on the frontier. Our friend Johnston is busy in the throng. He is going to take command of the new rifle regiment here and is full of fight.

The Governor [ex-Governor Allston] goes up to Columbia with me. He is very serious and seems to appreciate the trouble ahead. He comforts himself that the Yankees are to blame for everything; but that is but a "flattering unction." I am glad that the people show a good disposition and I hope that they will disarm the suspicions of the sensitive Southerners by attending strictly to their business and giving no offence.

TO MRS. JANE PETIGRU NORTH

Columbia, December 6, 1860.

My dear Sister:

* * * I am glad that James is with you and likely to acquire a love of the country, but God knows where our country

may be. In this place there is unanimity and there is discord, both in the highest degree. All are galloping down the same road and every one striving to be ahead. More jealousy among the members and more mutual distrust I have never seen. My prediction is that from this seeming unanimity will proceed, in a short time, bitter animosities and divisions. But, though generally it may be a consolation to think of a reaction when the public mind is distempered, it will probably come too late for us. To think of a sober man like Allston avowing his readiness to sink the welfare of his country forever, if that be necessary to carry out Secession, rather than submit to the rule of Abraham Lincoln, even if he were assured that Lincoln would prove a constitutional and conservative ruler! My old friend, Dr. Porcher, has not escaped the contagion; even he, the host of Henry Clay, is ready to cut the tie of country between us and all free States. Buchanan's message is out. You will see it in Dr. Gibbes' paper. Like himself, it is a shuffling, insincere and shabby performance. He has receded from one point to another until he has given up all pretension to the respect of anybody. The Secessionists will not be interfered with, at least by him, and his pusillanimity will not conciliate the South, but will greatly disgust those States that are attached to the Union, and lead, perhaps, to a general repudiation of the Constitution as an inefficient and inadequate scheme of government. It is still somewhat doubtful what Georgia may do; and the fate of the country hangs on her decision.

TO MRS. JANE PETIGRU NORTH

Charleston, December 24, 1860.

My dear Jane:

* * * Caroline is greatly inclined to take James north for his education. The present state of things here may well make us all doubt whether it is such a habitation as promises security. I do not undertake to advise upon it. I made a great mistake in 1832, when I might have quit the country myself, with the prospect of doing something. Here I have stayed till the active period of life is over. I could not leave Badwell without a struggle now; then it was comparatively indifferent. It would have been easy to take you along then, but now you are ramified into such a cluster of associations that I could hardly hope to do so. But Mary would be easier to persuade if she was willing. If she held back there is none out of my own house that I could count upon to share my exile. So if they don't push me to a decision, I suppose that without even deciding I will wait here till it is all over.

The officers of the Army and Navy are much stirred by the present commotion. Jack Hamilton has resigned. That was

to be expected, after the example of his brother, Dan. But I have heard with astonishment that James North is considering the question. It would be a great mistake. He is a Virginian; Carolina gave him birth, but who is to give him bread if he comes here? A Southern navy is a poor dependence. It could offer to his ambition nothing better than a gunboat. And to look to the new Republic for patronage would be a sore disappointment. Great diversity already exhibits itself among our secessionists. Those who have contributed most to getting up the excitement openly condemn all idea of forming a second association after the plan of the United States; and they are likely to carry the day.

I am glad to find such an evidence of a respect for justice as the example of a man like Jennings venturing so much trouble for a free negro. I am much more surprised at the integrity of the Alabama man than at the villainy of our Edgefield friends. For, really, when the opening of the slave trade is making such progress, it is not wonderful that men should apply the principles to a case where the temptation is so great. * * * You may see in the papers things to make you think that the poor fellows in the fort here are likely to be killed or captured. You need not grieve for them, but for the fools that make the attempt. All Charleston and all the volunteers can not take Fort Moultrie by assault.

Yours in brotherhood and parentage,

On the 20th of December, 1860, the Ordinance of Secession was passed. The Hon. J. D. Pope relates the following:

It will be remembered that the Convention adjourned from Columbia to Charleston and sat in St. Andrew's Hall. On the morning of the passage of the Ordinance of Secession I was going down Broad Street and saw Mr. Petigru coming up towards me. We approached each other at the City Hall, and just at that moment the bells of the city pealed forth in gladsome and general unison. Mr. Petigru rushed up and exclaimed: "Where's the fire?" I said: "Mr. Petigru, there is no fire; those are the joy bells ringing in honor of the passage of the Ordinance of Secession." He turned instantly and said, "I tell you there is a fire; they have this day set a blazing torch to the temple of constitutional liberty and, please God, we shall have no more peace forever."

In an instant he turned and was gone.

CHAPTER XLIV

JANUARY-MARCH, 1861

EDWARD EVERETT; COMMENTS; GOVERNOR AND MRS. PICKENS;
SHUFFLING BUCHANAN; DAVIS BECOMES PRESIDENT; ELECTED
HONORARY MEMBER MASSACHUSETTS HISTORICAL SOCIETY;
FORESEEN DEFECTS IN THE CONSTITUTION OF THE U. S.;
NO NEAR SOLUTION OF FORT SUMTER ENTANGLEMENT; VISIT
OF LAMON AND HURLBUT

TO MRS. JANE PETIGRU NORTH

Charleston, January 9, 1861.

My dear Jane:

I would be very glad to see you and Mary, but you will come to a town where there is war. For they fired on the United States flag this morning and beat off the unarmed steamer *Star of the West*, with stores and men for Fort Sumter. Day before yesterday they killed a man at Castle Pinckney, where Johnston is. He was killed by a sentry by accident. He was the first victim of the war and died by mistake, and the war itself is a mistake. Henry is on duty, too, but where I know not. My clerk is gone without notice, and but for a little chap who came the other day to study law I would be altogether alone. Caroline, in a letter of December 30th, speaks of coming this month. She wrote by the same mail to James and I forwarded James's letter, so that I suppose he got it last Friday. I hope that you and James will come together. But if you can not come, or think that you ought not to come, James must come alone, for his mama will be mortified if she does not meet him here. * * *

This morning I saw by the *Courier* that James North's resignation was no such thing, and I immediately wrote him a letter of warm congratulation. I would not offer advice to him no more than to Phil. I am so far relieved that Phil has not rushed in with his resignation like poor Tom Pelot; but I fear that the pressure will be too great for him to resist. A commission in the Southern Confederacy will be just the thing for Pelot, but for our nephew I think it will be more respectable to take to some new business than to spend his life skulking among the marshes in a pitiful service.

* * * I have not advertised for a miner, but wrote to Major Gwinne. The Major is drilling Pickens' army on Morris Island. If you get the man from the Court House could he act as law screener? * * *

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, 16th January, 1861.

My dear Jane:

* * * I am afraid that Pickens meditates an assault on Fort Sumter. My fears are for Johnston. I've no doubt that he will be exposed to the heaviest fire and—how dreadful his loss would be! It is certainly bad policy to resort to active hostilities while things are in such a state of confusion. No understanding between South Carolina and the United States; no understanding among the people of South Carolina itself, whether they will negotiate for themselves or for the South. No treaty exists between the State and any other Power, nor is it understood whether the State would make any treaty at all, or where the treaty would be.

Johnston came up on Sunday and dined with us in a great hurry. He intimated that he was going to Morris Island with his command, but gave no clue to his orders or what he expected. Henry is soldiering at the Arsenal. I have a clerk just now, but last week I had not even so much. There is no business done by the Appeal Court. Two of the Judges attended, but the Legislature resolved that they should not call the docket.

* * *

YOUR BROTHER.

TO EDWARD EVERETT

Charleston, 20 January, 1861.

My dear Mr. Everett:

If the value of the Chief Justice's opinion, alone, be considered your favor of the 19th, received only yesterday, would deserve great thanks; but the obligation is greatly increased by the proof it affords of your attention and regard. Singular as it may seem, it is still in time for the immediate purpose for which it was wanted almost a year ago. But the causes which prevented this much desired succour from being too late, are not themselves subjects of gratulation. First I was sick; then Mr. Mitchell on the other side was ailing, and lastly, the State itself being in the throes of a Civil convulsion, suspended for three months the sitting of the Supreme Court; and so the case stands over till the first day of April next. The cases are so much alike that I am tempted to send you a statement of the Charleston case, with the brief prepared for the Court of Appeals

for your comparison or Ch. Jus. Shaw's if you think it would amuse him.

The events, which I suppose all good men that are not under the spell of a popular delusion must deplore, are in full progress here. And the bitterness of spirits with which I witness the downfall of my country, is only qualified by wonder and astonishment, that the apathy and carelessness that mark the behavior of men otherwise respectable.

It seems to me that our minister, Mr. Faulkner, was singularly unhappy in referring to the superior constancy of a free people to the defence of their institutions. The Naples dynasty has more friends in the very scene where their offences have shocked mankind, than the Constitution in the Cotton Country. A rising against authority upon pretexts as light as our Southern wrongs would be put down anywhere else without ceremony.

Yet after all, if the Government is better than the people deserve, what is to hinder them from abusing their privileges? It is but poor comfort when one suffers to reflect that it is meritable, and yet that seems to be all that is left us.

Yours truly,

TO MRS. JANE PETIGRU NORTH

Charleston, January 29, 1861.

My dear Jane:

* * * I saw Louise and Joe last night at the Governor's [Pickens]. It was a tea to the Commander-in-chief and his wife. And his wife is a very pretty woman and refined. Not answering at all to preconceived ideas of a dashing Western belle. As for the commander-in-chief he is as windy as ever. * * * The Legislature were to have adjourned last night, but did not. They have confirmed all the Governor's appointments. Some of which give much satisfaction and some are severely criticised.

I really believe they are going to attack Fort Sumter. There is no sense in it. The attack will entail on them the reproach of shedding the first blood—and if they succeed it will inspire a great feeling of hostility in the populous regions, more embittered because it will be laid to poor Buchanan's door on account of his double-dealing and shuffling. Johnston is still on Morris Island. I have not seen him for a fortnight, nor heard of him except by common fame, which says he is busy. James has a bad sore throat. I advised him yesterday to keep to his bed. He spurned the advice, of course, as everybody does who has the opportunity of showing how little he thinks of anything that experience can say. * * *

I have received a letter from Caroline in much better spirits. But she does not seem to think with complacency of coming

South. I thought if politics disturbed her she might seek refuge with you. To my mortification she says she lives in fear of insurrection. I had no idea that she was the victim of such idle rumors. But every day discloses to us new proofs of human weakness. * * *

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, February 4, 1861.

* * * The sky is still as dark as ever. This is the day the border States are to meet at Washington and the cotton States at Montgomery. There is nothing to be expected from the last, and but little from the first, but division and discord. As a sign of the times, I may mention that I just now met George Ingraham showing, with exultation, his brother, the Captain's letter, coming home with his wife and dozen children, leaving the pay of him and his two midshipmen, equal to the interest on \$100,000. Now, considering what a screw George is, can anybody say less than that this is an epidemic; when a fellow like George is ready to open his purse to a whole family of beggars for an idea. It is true that they expect South Carolina to provide for them, but they must know the vast difference it will make to live on the charity of the State instead of enjoying the bounty of a nation, with its honors. But if George Ingraham is ready to sacrifice everything to sentiment, it is plain there must be something in the air. * * *

Chancellor Dunkin met the Bar this morning to try such cases as both sides were willing to try. No persons will feel the change of the times more than lawyers. If it was not for codification I don't know what I should do for the coming year. Yesterday we had the favor of the Governor and Mrs. Pickens to dine. The Governor does not show off any great airs and Mrs. Pickens is very amiable.

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, February 13, 1861.

My dear Jane:

* * * Things look more favorable since Jeff Davis has superseded Pickens. I don't know that Pickens is more bloody-minded than Jeff. But as the Southern Confederacy has taken the subject under their jurisdiction common decency will require that they negotiate with Washington. Heretofore, in all questions between the United States and any State, it was necessary for States' rights that the United States should submit to any indignity and yield to the States the liberty of crow-

ing. Probably the Southern Confederacy will be so far considerate of their dignity as to treat the United States as an equal and enter on the question of ceding the forts with a diplomatic intent. And in that case the business will end in a treaty. I hope it will be so and that the garrison will be withdrawn. * * *
YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, February 19, 1861.

My dear Jane:

As you say we prize opportunities more as they become rare. No wonder then that letters are privileges, seeing that we have but one mail per week, and don't know how long we will have even that. In fact it is surprising that the United States are still recognized at the Postoffice, the only place where Uncle Sam is allowed to show himself; being turned out of every other house. * * *

Johnston is in town again—was relieved yesterday. Col. Gregg succeeded to the command on Morris Island. Johnston is not at all the worse for his turn of duty, and he has earned a good deal of reputation. * * *

YOUR BROTHER.

Mr. Petigru had been elected president of the South Carolina Historical Society some years before. He delivered the inaugural address—an able and eloquent paper—perhaps the most able public oration he ever made.

In February of this year, 1861, he was elected an honorary member of the Massachusetts Historical Society. He replied to the notice of his election in a letter which has since been published among the papers of the American Historical Society. It reads as follows:

Charleston, February 25, 1861.

My dear Sir:

Nothing could exceed the kindness of your note, giving me notice of the honor done me by the Massachusetts Historical Society. To be chosen for a colleague and an associate by such a society is a distinction of which anybody might be proud, but it is rendered much more flattering by the way it is announced.

I remember with the greatest distinctness the hours which I passed so many years ago in the house of your venerable father, as well as under your hospitable roof. * * * How willingly I would make any sacrifice that might avert from our common country the consequences of that miserable discord

that now prevails between communities that ought forever to be united. I say miserable, for such we may certainly deem a controversy odious to the best men on either side. History will adjust hereafter a degree of reprobation due to each party, but I venture to say that whatever may be thought of the motives of the actors, their folly will be as much the subject of wonder as of censure. We are here in such a disturbed condition that the things that are going to happen in a week are as uncertain as if they belonged to a distant future.

With great anxiety for a peaceful solution of the difficulties, but with very little hope, I am, Dear Sir,

Very truly and sincerely yours,

J. L. PETIGRU.

The Honorable R. C. Winthrop.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, February 27, 1861.

My dear Jane:

* * * Our poor Caroline seems under a spell when home is talked of. In her last (18th) she seems as far from deciding on the day to return as H—— was when B——'s happiness was at stake. I don't wonder that she shrinks from it, for there is nothing here that will give her pleasure except a few friends.

The papers I send contain an account of Miss Tupper's flag presented to Johnston's regiment and allusions to a conspiracy against Lincoln's life. It is amusing to see the way the *Courier* moralizes on it, to show that Lincoln must be a bad man because people want to murder him. As if the murderers were the examples and the murdered men the warning.

I saw James North this morning looking bright and cheerful. Very different from poor Hartstene, who looks the image of regret, nor does Ingraham or Tom Huger hang out the banner of a willing mind. Johnston is gone to James Island with some 400 men. I saw him in full feather for the first time, issuing from the Institute Hall with the flag. I felt proud of his soldierly bearing. * * *

YOUR BROTHER.

TO WILLIAM CARSON

Charleston, 2 March, 1861.

My dear Willie:

The course of time has been very productive of events since you went away. A revolution has been inaugurated here, and with the most surprising unanimity men and women, boys and girls glorify the change, and are as proud of their apostasy as if they were sure of the verdict of history. They have adopted as

an article of faith the propagation of slavery and are as firm in their new profession or calling as the Mormons or early Mahometans. None are so full of this new born zeal as the clergy, including in this term the preachers of every denomination from the Roman Catholics to the Baptists. Bands of volunteers parade the streets daily, and rumors of an intended assault on Fort Sumter succeed each other with such rapidity that they have lost in a great measure their interest. Major Anderson with 60 or 70 still holds that place. All the other forts are garrisoned by State troops. Your cousin Johnston giving into the general sentiment and being put the head of a regiment of Volunteers is no longer a pale inmate of the obscure building in St. Michael's Alley, where he used to pore over dusty books in a foreign tongue; but bestrides a gallant steed, with gay trappings, long spurs and bright shoulder knots.

Next Monday a new scene opens in the drama. Abraham Lincoln is to assume the chair of State, and in a short time a decision will be made on a most interesting question: no less than this, whether the Gulf States with Georgia and South Carolina are to be suffered to go in peace, or whether repressive measures will be resorted to for the purpose of keeping them under the control of the Union. My opinion, Willie, is that they will be allowed to go. It seems to me that such is the true policy of the Government. The Government of the U. S. has a marked and singular difference from all others in this; that it has no other means of extending its authority over other people but by annexation—and it can only annex by admitting the conquered country as a Territory or a State. It could not turn these seceding States into a Territory because the Constitution admits of no such thing, and it is only the Constitution that binds the States together. Then as to the other mode of dealing with people outside; by admitting them as a State: that would be to reverse the condition of conqueror and conquered by giving up all the kinds of victory and admitting the enemy into their camp and councils.

This fatal defect in the Constitution was foreseen by Washington and his enlightened compeers; but the prestige of his name with the material interest so evident in adhering to the Union has kept it out of sight till now. The States that are true to the Union might very probably put down the military force of the seceding States, but when they have done that, what is to be the issue? They would have to change the Constitution to meet the case. But to change the Constitution in its essential character is a Revolution, and is no cure for the evil in the eyes of those who are anxious to preserve it.

Therefore I think that the States that adhere to the Constitution will be compelled by the necessities of their situation to let the Gulf States go without any way to prevent them. If any

way does grow immediately out of secession it will probably arise out of the pretension of Louisiana to control the Mouth of the Mississippi.

Nobody can tell what the end of all this is to be—but it can not be for good. As to the Southern Confederacy, it is formed on principles that are hollow, and rotten, on the shallow conceit that all nations will pay tribute to King Cotton; and that our new reading of "The Whole Duty of Man" will be accepted by Christendom.

Nor is the prospect encouraging in the other point of view, viz, the effect of the disruption on the remaining States. The success of the project for going out of the Union at will, demonstrates the fallacy of attempting to combine the principle of unity with that of separate independence of the States; and makes the Constitution a mere cobweb. And when it comes to be so considered, it will be despised and disowned and a general disintegration must follow.

While these changes have been going on in the external I am glad, Willie, to observe that a change has taken place in your interior system; and from your letters I recognize the development of your ideas. Take your mother's advice. Go to Freyberg. Study metallurgy, prepare yourself to enter the arena as a man, and a candidate not only for business, but for honor. If you prefer the law I will not object, but do all for you that can be effected by the efforts of your affectionate

GRANDFATHER.

In illustration of Mr. Petigru's intense devotion to the Union, on the Sunday when prayers were first offered for a president of the Confederate States, the following story has been told:*

"Mr. Petigru was present, occupying one of the most prominent pews, and hardly had the words been uttered when he arose and left the church in emphatic disapproval of such doctrine. All admired the tall old man as he strode down the main aisle and forth from the sanctuary though few perhaps felt as he did. If such there were they feared to follow his example for it was commonly said that he was the only person in Charleston who dared to do such a thing."

It is rather ungracious to spoil a good story, but the facts are as follows:

It is true that he left the church as stated. A few minutes after, his friend Mr. X., who at that time was a strong Union man, with great dignity solemnly marched out of the church.

**Atlantic Monthly*, February, 1884.

After the services he met Mr. Petigru in front of the church and expressed his indignation at the new prayers. Mr. Petigru laughingly replied, "Why, X., I was not disturbed by Jeff Davis, but only wanted to cough, and rather than disturb the congregation by my noise I left the church." However intense may have been Mr. Petigru's feelings, he always held himself under perfect control, and was not given to making theatrical exhibitions.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, 6th March, 1861.

I have received, Dear Sister, yours of the 4th. It shows how great is the difference between those that are favorites of the Government and those who are not. Nor is there any accommodation more to be prized than a well regulated Post. If the Government had stopped the mails as a consequence of Secession, it would have been very severely felt, and I don't know now how we will do when that measure is adopted, as I suppose it must be. The President's Inaugural is significant of measures that will likely lead to the use of force. Johnston thought it a prelude to arms; it was in his hands I saw it first on Monday evening, and he left me for his post on James Island, with the idea that when we met again he might be crowned with laurel; while to me the thought that was uppermost was, that perhaps it was our last interview. Yet things have not changed their outward hue so far, and possibly the same small game may be carried on until people lose sight of their first objects.

We all dined at the Governor's* yesterday. It did seem to me odd to hear so many Secessionists giving vent to their imprecations on Black Republicans, etc.; for the children joined in with as much glee as the parents. I have had a very severe cough; it came on just as the seizure I had on the road from Virginia, but I am a great deal better and hope to see you at the Depot,

* * *

YOUR BROTHER.

TO MRS. SUSAN PETIGRU KING

St. Michael's Alley, 15 March, 1861.

Dear Sue:

I'm much inclined to think the figure in the chair is entitled to the preference, but the stick is too long and the posture straddling, so I leave the choice to you. Let me have two dozen.

*R. F. W. Allston.

Aunt Jane is here, Aunt Mary too at Ann's. James with a very bad throat in Broad Street; he looks very badly.

YOUR PARENT.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, 7th March, 1861.

There seems to be increased excitement as next Monday approaches. Johnston, who was dispatched on Tuesday to James Island, returned last night under orders to assume command of the brigade in the absence of General Dunnovent, and from his talk I infer that he thinks an assault upon Fort Sumpter is at hand. In that case we may as well be prepared to hear that his sun is set. He is just in the vein to "seek the bubble reputation," where he is more apt to find his grave than ever to tell the story. And yet the fact that the resolutions of the peace conference have received the sanction of the Senate and House would lead one naturally to suppose that a collision was not necessary. But there are a great many fellows outside the fighting men that would feel less concern for the lives of thousands than for a scratch that would touch their offended vanity, if the South did not possess themselves of the fort by force.

TO MRS. JANE PETIGRU NORTH

Broad Street, March 23, 1861.

My dear Jane:

* * * We seem no nearer the solution of the Fort Sumter entanglement than we were a month ago. Still the same professions and the same delays. It looks very bad and seems to show that Mr. Lincoln has no fixed plan.

On the 21st of March President Lincoln sent his friends, Stephen Augustus Hurlbut and Ward Lamon, lawyers of Springfield, Illinois, to South Carolina where a strong Union party was supposed to exist, to ascertain the facts.

The following Sunday, the 24th of March, about 9 P. M., Mr. Petigru and his grandson were reading in the dining room, when there was a sharp ring at the door bell. The boy announced "two gentlemen, Mr. Hubble and Mr. Lemons, want to see Mr. Petigru." Repeating the names with a puzzled look he waved his hand for his grandson to retire.

The gentlemen remained about an hour. On their departure he joined Mrs. Carson in the parlor and told her that they had been sent by Lincoln to ascertain the condition of the country.

He then laughed and said, "Who would have thought that of all men Stephen Augustus would ever become an ambassador?"

The following day at one o'clock Mr. Hurlbut saw Mr. Petigru; and in a report dated 27th of March, said:

* * * Our conversation was entirely free and confidential. He is now the only man in Charleston who avowedly adheres to the Union. * * * From these sources I have no hesitation in reporting as unquestionable that separate nationality is fixed; that there is a unanimity of sentiment which to my mind is astonishing, and that there is no attachment to the Union.

* * * There is no sentiment to appeal to. The sentiment of national patriotism, always feeble in Carolina, has been extinguished and overridden by the acknowledged doctrine of paramount allegiance to the State.*

As has been mentioned before, Hurlbut was the son of Petigru's friend at Beaufort. He had been a student and managing clerk of the office, and in 1845, from some unedifying frolic, had left the town. He settled in Springfield, where he became a friend of Lincoln. He was an able lawyer, a prominent politician, and a Major General during the Civil War. He was a man of most genial and engaging personality.

*"Abraham Lincoln." A History by John G. Nicolay and John Hay, vol. 3, p. 391.

CHAPTER XLV

APRIL-JUNE, 1861

FORT SUMTER; HUGUENOT RECORDS; SADNESS AT THE TAKING OF FORT SUMTER; LINCOLN'S POLICY; DINNER TO DR. W. H. RUSSELL; REVERDY JOHNSON; MRS. CARSON RETURNS TO NEW YORK; INHABITANTS OF SUMMERVILLE SHY OF HIM; RHETT, JUNIOR, PUBLISHES HIM AS A MONARCHIST; CARD FROM J. J. PETTIGREW

TO J. JOHNSTON PETTIGREW

St. Michael's Alley, 8 April, 1861.

My dear Johnston:

I am going to Sumter on the 11th to put an end if I can to the delays of McR. v. Singleton. I wish you had come up last Sunday, you would have met Gen. Beauregard; he speaks very handsomely of you. My friend D. Huger has returned from Montgomery and from what he tells me, as the talk there, I infer, though he does not, that Jeff Davis expects to capture the city of Washington this spring. I don't think he can do it, but I think Major Anderson will be compelled by stress of circumstances to come to terms very soon, and that Lincoln means to make him a scapegoat, which in my opinion, is a low, not to say, a base policy.

Yours earnestly,

TO M. A. CROTTET, SWITZERLAND

Charleston, 11 April, 1861.

Dear Sir:

Your valuable and much valued letter of 15th January was duly received, and the box of books and manuscripts, tho' delayed much beyond our expectations, came to hand at length in good order. I can not but praise the pains and care you have taken to render the manuscripts, as well as the volumes that have suffered from age, legible and capable of preservation. You have fulfilled all that you engaged to do not only literally but liberally. I might even find fault with you as overscrupulous in the performance of your part of the agreement by including "Cook's Voyages," an English work, in your remittance, which surely you might have considered as forming no part of our purchase.



JAMES LOUIS PETIGRU
APRIL, 1861

(Facing 376)

We have fitted up a small press for the safekeeping of your collection, and until the Historical Society comes into possession of its apartments in the new Court House, the books and manuscripts will remain in the office of Petigru & King in St. Michael's Alley, where they are sometimes visited with pious curiosity by the descendants of the Huguenot Exiles.

For your memoir of the brothers Gibert I am particularly obliged. I propose to publish it, and only regret that instead of its passing through the press under your supervision I will have to send it to New York to be printed.

The 25 copies of your "History of the Churches of Pons, Gemosac, and Montagne" are disposed of at 75 cents per copy. The enclosed Bill of Exchange drawn by the Bank of Charleston on Messrs. Quesnel Freres & Co. Havre, and payable in Paris for 300 francs, you will please accept in payment of those copies, and in recompense for your care and study in the preparation of the work so worthily commemorative of my venerated ancestor.*

Your "Protestant Chronicle" is a valuable appendage to the collection, and is received as a personal donation.

Should you by chance obtain any additional notices of the life and character of him [Gibert] or his brother, you will always render a most acceptable service by communicating such information to me.

It would lay me under new obligations to your kindness if you would interest yourself in making some inquiries after the family of Pierre Boutiton, Pasteur, who was in the emigration of 1764. He died early. His brothers also followed him to the grave after a few years, leaving one daughter who never married, and died at a great age last year.

I have no encouragement from the Mazycks or Manigaults for inquiries into their family history but my communications have not extended to all of them. I may say the same of the Peurysburg people. Some of them have grown rich, but they are little interested in any studies but how to make money. One of the Winklers, however, is a Baptist preacher; and the family of the Waldburgers are well educated people and perhaps chance may throw in my way the opportunity to make them acquainted with your suggestion.

Our country is beset with trouble. The spirit of discontent has triumphed over traditions of our honored ancestry and the bonds of unity between the northern and southern States have been rudely separated. The result of this disruption is very uncertain, and to a lover of freedom is very discouraging. Our postal communications are likely to suffer very soon. I gladly avail myself when these communications are still open, of the

*Grandfather, Jean Louis Gibert.

opportunity of assuring you of the sentiments of esteem and regard with which I am, dear sir,

Your friend and ally,

M. A. Crottet,
Pasteur,
Yverdon,
Canton de Vaud,
Suisse.

15th April.

The event which I thought was still at some distance when I was writing the foregoing is actually come, and the mail is stopped. Address your reply under cover to Messrs. De Launey Clarke & Co., New York.

Let the envelope contain nothing but the address of these gentlemen.

J. L. P.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, April 16, 1861.

That which was threatening a long time has come and the sword is drawn. It is an odd feeling to be in the midst of joy and gratulations that one does not feel. On the contrary it is a feeling of deep sadness that settles on my mind. The universal applause that waits on secessionists and secession has not the slightest tendency to shake my conviction that we are on the road to ruin. Nor could I entertain a doubt that the fiat of history will consign the actors in these scenes to the same lot with them who have ruined their country. Is it you, Carey, or Mary Blount who is so keen a secessionist?

Lincoln's proclamation surprised me. It seems to me that policy would dictate a different course, and that the course which he has now taken ought to have been adopted earlier, if at all.

I felt for poor Anderson, deeply abandoned as he was to an obscure fate, to serve as a sort of stepping stone to a conflict in which he could reap no honor and left without a friend to stand by him and his few followers while the fleet looked upon his distress with careless eyes. The vessels are still here. What they stay here for nobody can tell. I thought it was a blockade, and vessels are, I know, unwilling to go out; yet it is announced that the port is open this morning. In fact I am at my wits' end. I never thought the administration were going to make an attempt or show of relieving Anderson, but supposed their fleet was intended for the Rio Grande, where there was a chance of effecting something and making an impression on the public mind. So, finding my calculations confuted, I now wait for events. I hope you will find the papers that I send you are not unwelcome. * * *

YOUR BROTHER.

About ten days after the fall of Fort Sumter, William H. Russell, of the *London Times*, afterwards known as "Bull Run" Russell, and "Doctor" William H. Russell, came to Charleston. He was accompanied by the ubiquitous Sam Ward as "bear leader," and Brockholst Cutting of New York. Mr. Russell brought letters of introduction to Mr. Petigru; the others were old friends. On the 25th of April a large dinner party was given in his honor, and this was the last social function ever given in the Broad street house, as it was burned the following December. Among the guests were Governor and Mrs. Pickens, General Beauregard, Wm. Porcher Miles, John Manning, and others, with of course Mr. Petigru's two daughters.

Mr. Petigru no doubt spoke of his respect for English laws and justice, from which Mr. Russell inferred, as he wrote in his letters, that he was a monarchist. This can be understood from a note by Mrs. Carson about her father in which she says, "his veneration for British laws was so great that it was long before I learned that he had a respect more profound, and that was for the Constitution of the United States."

In taking leave Mr. Russell expressed surprise at finding a man of his attainments and views so different from his surroundings, to which Mr. Petigru laughingly replied, "When a similar remark was made to my friend Plutarch he said: 'I live in a small town and I choose to live there lest it should become still smaller.'"

TO REVERDY JOHNSON

Charleston, April 16th, 1861.

My dear Sir:

I came in with the Constitution which went into operation only a few weeks before I saw the light, and I have ever devoutly believed that Union is our greatest interest. Unfortunately for me, my countrymen have in the course of the last 50 years, taken up the idea that it was a mistake and that cotton is our greatest interest. The universality of the cotton doctrine by which I am surrounded had no sort of influence over my way of thinking, and I have the misfortune of witnessing day by day manifestations of enthusiasm in which I have not the slightest participation. You may be sure then, of my ready and hearty concurrence in your able and lucid argument against the right of secession; for the Union would be but a very precarious possession, if it stood upon the mutable ground of the popular

opinion of expediency from day to day. In fact if it had been authoritatively proclaimed at the time of its adoption that it was only binding as long as it received the voluntary adhesion of the several States, it never would have been adopted at all, for people would have justly said that it was no improvement on the Confederacy. For the Confederacy would have answered all its purposes, if it could have been sure of the voluntary adherence of the several States to the duties that were submitted to their free arbitrament. There is no doubt that the men of 1787 did undertake a new thing in attempting to divide the civil power between the nation and the State, so as to leave each of them sovereign within their several spheres; but our secessionists pretend that they did not mean it. You have shown to demonstration that this pretence of the secessionist is groundless. I hope that there is sufficient good sense in the Maryland people to discern the right and follow it, and I might well envy you for having such an audience to appeal to. What is to be the end of all this, seems to me inscrutable. But even if the Gulf States and South Carolina do flake off for ever, I will never cease to witness with joy whatever increases the prosperity and honor of the United States.

Yours truly,

TO WILLIAM CARSON

Broad Street, 10 May, 1861.

My dear Willie:

* * * I wrote to you this spring, before your Mama returned, and gave you a world of good advice which I am not going to repeat. Indeed you have arrived at that time of life* when all ingenuous youth feel the weight of responsibility so strongly that their own thoughts are or ought to be their best monitors. There is a choice soon to be made by you between a profession and some other sort of business. For you will have to make bread for yourself, and you are now old enough to judge whether you are most fit for a profession and a studious life, or for an active employment as a business man. Your Mama has a great opinion of practical metallurgy as a branch of industry likely to occupy a large space in American enterprise. But I have not heard whether [you] have taken any steps in that direction. In fact I do not know what studies have occupied your attention for a long time. But I hope your time has been so employed that we shall not blush for you when we see you. The choice of a calling is just now beset with new difficulties, because we are divided by the keenest disputes between North and South. The Southern Confederacy has indeed proclaimed

*Age eighteen.

war, and the Northern States are not slow to take up the gage. We are in fact at war, and don't know when we will be at peace again. And those who are entering life are fairly entitled to cast their lot either North or South as they please.

I was gratified with one of your last letters for the sentiment of independence which it breathed. But remember if you would share the spirit of independence you must share also its trials, which consist to a great degree in preferring a larger future good to a present inferior good: *i. e.* It is better to forego many pleasant hours of sleep, than to sleep away the time devoted to profitable study.

Your Mama will probably spend the summer in some obscure spot in New England; Grandmother in Summerville; your aunts in town. Jim is already at the Porchers and will devote the present year to preparing for college.

Your Grandmother [and] your Mama salute you, and so does
YOUR GRANDPAPA.

TO M. A. CROTTET

Charleston, 10 June, 1861.

Dear Sir:

No answer to the previous has yet reached me, and tho' this does not necessarily imply that it was the state of our Post Office, it would readily account for the failures of letters intended for this place; yet if anything has happened to your answer or to my letter, the duplicate inclosed will not be out of place, nor the Bill of Exchange, being the first of the set, mentioned within.

The Revolution in the United States proceeds so far with success, if indeed that which subverts a good government deserves to be called success. Wishing you the blessings of peace, I am, dear sir,

Your obliged friend and servant,

This letter will be entrusted to a private hand to be forwarded from New York, or from France.

M. A. Crottet,
Pasteur,
Yverdun,
Canton de Vaud,
Suisse.

About the middle of May, owing to the climate, the health of Mrs. Carson began to break down, and on account of her political views even among her best friends she found that the superficial malevolence of women is always in an inverse ratio to their

integral excellence. The doctor advised that she go north, which, with his usual self-sacrifice, Mr. Petigru strenuously urged. The following is the passport furnished:

Headquarters, Provisl. Army,
Charleston, S. C., May 23, 1861.

To all whom it may concern, greeting:

Mrs. C. Carson, a lady of Charleston, So. Ca., is proceeding to New York City for the benefit of her health. The civil and military authorities of the Confederate and of the United States are invited to extend her such aid and protection as she may be entitled to.

G. T. BEAUREGARD,
Brig. Genl. Comdg.

In feeble condition she left Charleston, with some friends, on Monday, 3d of June, and going by way of Nashville, Louisville and Cincinnati she arrived in New York on the following Saturday, in better condition than when she started.

TO MRS. JANE PETIGRU NORTH

Summerville, June 18, 1861.

My dear Jane:

It is about the hour I suppose of your arrival at your own door, and I congratulate you on the end of your journey and the pleasant sights which meet you at home and the many glad faces that surround you. I wish I was with you with all my heart, for Summerville is a place that has few attractions. The inhabitants are, for the most part, shy of me, and I don't know but I like them better than if they were more sociable. * * *

19th—I came as expected. The only news not in the newspapers is that Johnston is going to Virginia as a private. He does not enroll, but is going to give his countenance to Conner's company.

TO MRS. JANE PETIGRU NORTH

Summerville, June 20, 1861.

* * * You will see that Rhett, junior, has published me as a monarchist. If it is true he ought not to have done it, but in fact he has no more reason to say so than this, that I am a Union man, and he would prefer monarchy, even under foreign rule, to the Union. Johnston's book creates a favorable impression, and his defense of his kinsman is what might be expected of him. I am working hard on the Code.

The above allusion to Rhett, junior, publishing him as a monarchist, has reference to an editorial that appeared in the *Mercury* on the 19th of June. The next day J. Johnston Pettigrew addressed the editor and inquired if this editorial referred to his relative James L. Petigru, and questioned the right of the journalist in bringing before the public the supposed private opinions of individuals. On the 21st of June Rhett replied, saying, "The passage alluding to Mr. Petigru expresses what I considered to be his opinion upon a political question of monarchical rule and as widely known as himself. * * * It is due to my own self-respect and my esteem for Mr. Petigru to say that the relations of friendship and regard which have long existed between the distinguished gentleman and my entire family, exclude the supposition that I could have volunteered to diminish him in the respect of the public. The consciousness of offence or intention of it was certainly not present to my mind.

"R. B. RHETT, JR."

The contention is summarized in the following card:

Friday, 21st of June, 1861.

A CARD

The *Mercury* of the 19th contained some editorial remarks upon one of Mr. Russell's letters, in which he states that he met here a very general expression of opinion in favor of the introduction of monarchical institutions and "of one of the Royal race of England to rule over us," etc.

Contesting this as a misconception, the writer, in the course of his remarks, makes the following reference:

"Monarchists are to be found here, as elsewhere. We have met them at the North and in the Southwest. We know two in South Carolina—one a certain distinguished lawyer of Charleston, and one a planter of eccentric views. We remember no others, and these gentlemen have no political influence and no aspirations, being universally regarded as Ishmaelites, and together out of the latitude in politics."

The impression was very generally entertained that this paragraph would be accepted as referring to my kinsman, Mr. James L. Petigru; and upon inquiring of the editors, I am informed that such was the case—the information being accompanied, it is proper to say, with expressions of great respect and consideration. Taking the whole editorial together, it is impossible to deny that the impression produced must be that the

opinion of the two gentlemen thus alluded to, affords only countenance to be found for Mr. Russell's statements in this particular; and, knowing that Mr. Petigru would not advert to the matter himself, it is not consistent with my feelings towards him to allow such a public reference to pass without comment.

A claim on the part of any journalist to comment publicly on private opinions, particularly when the question is not at issue, is one that, in my view, concerns any individual. I can not admit a right on the part of an editor unnecessarily to drag before the public for censure, in any odious connection, or even for general remark, sentiments not publicly expressed. It seems to me a wrongful invasion on the privacy of individual opinion, too liable to become a source of oppression, to be conceded to the press. I do not think in justification that the sentiments objected to may really be so entertained. In the present instance, moreover, I believe besides that the statement in question is calculated to produce an entire misapprehension as to the gentleman referred to, and to do him gross injustice.

For many years I have had abundant opportunity for knowing his sentiments, and I was greatly surprised when I saw the editorial in the *Mercury*. I do not believe that he has ever entertained or expressed any opinion in favor of the introduction of monarchical institutions among us, or that would warrant such a reference to him in connection with the comments of Mr. Russell's letter.

J. JOHNSTON PETTIGREW.

To this Mr. Rhett, being bound to have the last word, says:

Mercury Office, June 21, 1861.

* * * Again, I have not stated nor indicated that Mr. Petigru ever advocated the introduction of a monarchy or a monarch. The political odium of a preference for the theory of monarchical institutions Mr. Petigru had created for himself. He had himself caused and encountered it. I had no intention to either create or to add to it.

In the *Mercury* of Saturday, the 22d of June, appeared a notice that J. J. Pettigrew would leave that night for Virginia to join as a private, Conner's Company of the Hampton Legion.

TO J. JOHNSTON PETTIGREW

Summerville, 24 June, 1861.

My dear Johnston:

So you did not come on Sunday, and you did take the *Mercury* to task. I value the latter incident, as it proves that you under-



J. JOHNSTON PETTIGREW

(Facing 384)

stood me; which is one of the tests of a kindred mind. So far from being a monarchist, I am for the very opposite—the semi-sovereignty of the U. S. and the quasi-sovereignty of the State. And Rhett, Jr., is fool enough to call me a monarchist because I am a Union man, and he prefers monarchy, even under British rule, to Union.

I really felt no resentment, because I did not think he meant it as rudeness, and am perfectly sure that my attachment to popular government would outlast that of a whole brigade of Secessionists. Besides I am clear of ever having expressed a preference for monarchy over a republic, though, no doubt, I have said many things that would seem very paradoxical to people that take their ideas upon trust, as mere partizans always must.

I might be offended at being put in the same category with a crazy man, but I really think my character can stand the imputation, even if Col. Hayne should back the *Mercury* in their classification. For I reckon that the public would hardly consent to being thought such asses as to support a man in a decent style and pay him for advice, who had no more judgement than a crazy Ishmaelite.

Your book improves upon me, and I find it not only a good, but a readable book, tho' I think your Phœnecian and Celtic etymologies are somewhat tedious. I want to beg a copy for a friend, Mrs. Holbrook, unless you will take the hint and send it in your name. I'll be in Charleston on Thursday. Will you be gone before then, without seeing me?

Yours,

CHAPTER XLVI

JULY-OCTOBER, 1861

JOHNSTON AS A PRIVATE; HURLBUT A STATE PRISONER IN
 DEFIANCE OF MAGNA CHARTA; BELIEF IN GENERAL SCOTT;
 WISHES HE WERE ON THE OTHER SIDE OF THE POTOMAC;
 FIGHTING WILL DISPOSE PEOPLE TO BE MORE CIVIL TO
 ONE ANOTHER; COMMENTS ON THE BATTLE OF MANASSAS;
 AFRAID DEFEAT WOULD HAVE COST GENERAL SCOTT HIS
 LIFE; THE CODE; THE WELL; DOINGS OF THE CLERGY;
 EFFORTS ON BEHALF OF HURLBUT

TO MRS. CAROLINE PETIGRU CARSON

Summerville, July 5th, 1861.

My dear Daughter:

After some days of anxiety your letter of 16th June came like a messenger of comfort to relieve our minds not only from fear but from doubt. It reached us on the afternoon of 26th June, and was devoured by Ma and self, as a welcome entertainment after a long fast, and the next day was forwarded to Aunt Jane, with a charge to send it on to James even at the expense of taking a horse out of the plow. That you should meet kind friends and a cordial welcome, did not surprise me, but that you felt stronger when you arrived at Mr. Blatchford's than when you left Charleston was good news as unexpected as gratifying.

* * * On Wednesday I was in town and saw Mr. Bunch [the British consul] who gave me Gen. Scott's passports and Mr. Schuyler's letter dated 4 June and only received by Mr. Bunch the 2d of July. Gen. Scott's letter of safe conduct is highly complimentary, all in his own hand, and countersigned by the Assistant Adjutant General. Nor is Mr. Schuyler's less flattering as it contains the offer of meeting you on the lines if he could be appraised of the time to do so. By inverse of good luck your parting letter of the 21st June from New York, arrived at the same time by Adams Express. Gen. Scott's pass came in Mr. Bunch's bag from Lord Lyons. How it was so much retarded I don't know, but I suppose his lordship's correspondence with his subordinates is not as [frequent?] as theirs with him. * * *

We moved on the 16th ult. I have Jack Middleton with me,

and Trescot and Henry Young in Charleston. But the scheme which I have adopted requires the laws to be almost entirely written over, otherwise mere juxtaposition would go very little way to introduce that method which it is the object of a code to obtain. This makes slow work, and reduces the value of Trescot and Young's collaboration to a trifle comparatively. I am afraid I shall have to abridge my trip to Badwell or postpone it altogether.

I paid to Henry Young on Wednesday 150 Dollars for James,* and 100 for himself, for their services the last quarter. But James gets no more. He is in Virginia, Lieut. of Conner's Company which Johnston has joined as a private. He is not under an engagement to serve during the war and may quit when he pleases, but certain it is that he is now doing service in the ranks. Johnston has something of the Roman and this step is more in accordance with antiquity than modern times. He went off a week ago. Poor Hurlbut the renegade has got into big trouble. He came here to see his sister and be quiet. The Charleston people were thrown into a panic. They do him more honor perhaps than he deserves. They would not believe him to be a renegade: and were going to mob him. He fled, was caught and carried to Richmond where he is in durance vile, in defiance of Magna Charta, a sort of State's prisoner accused of nothing, but having a bad name, which unfortunately he has put it out of the power of his friends to deny, and suspected against all reason of being a spy, whom nobody will trust.

Congress met yesterday. In Charleston the day was partially kept; here it passed unheeded. The bells in town were rung and shut.

I have no news to tell you for there is nothing done. There has been a *brush* at a place in Virginia called Bethel where the U. S. men suffered more disgrace than actual loss. And it seems to me that Jeff Davis has the smartest men about him. But for General Scott I would not be surprised at anything.

TO MRS. CAROLINE PETIGRU CARSON

St. Michael's Alley, 17 July, 1861.

My dear Caroline:

* * * Every day has been filled with rumors of great things being done of which as Milton says "all Hell had rung." But except some skirmishing nothing has transpired to enable me to see when they are going to fight, or who is going to be whipped. Johnston has come in from Richmond with a commission of Col. of a North Carolina Regiment. He came last night and is going back this afternoon. His object in going to

*James Lowndes and Henry Young had assisted Petigru with the "Code."

Richmond was to join Conner's Company as a private. But it seems that his fame had gone before him and a North Carolina Regiment elected him without ever having seen him. I asked him if he knew anything more than everybody knew; he said nothing more except that Virginia was more pushed than people supposed; that the federalists were strongest at every point. However he seemed to have no doubt that the contest was in favor of the South on account of the superiority of their metal (mettle).

Our friend Ben is a Major in Jeff Davis' Army, and is somewhere about Winchester, which is in the neighborhood of danger. And last Friday the Governor himself set off for Virginia to tender his services.

William Ross* is cruising in the Jeff Davis privateer as Lieutenant and I expect every day to hear that he is captured with his usual luck. The crew of the Savannah privateer are in New York, and will be tried for piracy; they will very probably be convicted and then a very interesting question it will be,—whether they are to be hanged or not, and great things will depend on it. I am convinced that a reconstruction of the Union is impossible, and really wish that I were on the other side of the Potomac. But as it is I see nothing to hope from the present contest, but the probability that fighting will remedy somewhat the vulgar prejudices that are so rife on both sides, and dispose people to be civil to one another. I was in hope that we might part without effusion of blood; but am satisfied now that such a separation would be more disastrous than a war. * * *

I am proceeding slowly with the code, and don't think I'll get off to Abbeville for near a month. Adieu.

YOUR PARENT.

William Henry Hurlbut, the brilliant journalist, on account of his zigzag course in New York finally found himself tabooed and laughed at even by the Bohemians. At the opening of the war upon the invitation, as he said, of his friend Judah P. Benjamin, who became Secretary of State of the Confederate States, he came South to write up the Southern cause. Some years previous to this he had written certain strong anti-slavery articles in the *Edinburgh Review*. He arrived in Richmond on the 19th of June. The Southern papers quoted the anti-slavery articles, and violently assailed his record and moral character, and asserted that he was a spy. On his way to Montgomery, no definite charge having been made, he was arrested by the

*William Ross Postelle, his brother-in-law.

civil authorities of Atlanta on the 24th of June, and transferred to the military prison at Richmond.

TO MRS. SUSAN PETIGRU KING

Charleston, 24 July, 1861.

My dear Sue:

* * * I wrote to Col. Morton, Gov. Letcher's Aid, last Wednesday, and requested him to let Mr. Letcher know what I said and that I was responsible for the statement, and put as strongly as I could the impropriety of keeping Hurlbut in jail, if they ever meant that he should go out alive. I am out of patience with the sneaking privilege of keeping a man in prison, merely because they can do so with impunity in spite of his right. The victories that are gained over humanity are not as creditable as our victory at Manassas, tho' they give less trouble. But I don't know what to say of our friend George W. Williams, whose mind was so impressed with the fear of offending, as to go to Legaré Yates and tell him he had remitted money to New York to pay a Spaniard, who held his bills payable at that place, and when Oracle Yates made a fuss, made interest at the Post Office to return him his bill, and let the Spaniard bewail his case as a man destined to bear the misfortune of trusting a person, who can not distinguish between what a man may do and what he ought to do. Hurlbut wrote to me once. Perhaps I would be borne out by the circumstances, if I said he had not, for it is only part of his letter that I could quite understand; other parts I guessed at and the rest was in an unknown character—might as well have been in an unknown tongue. I hope and trust you are not going to write to Toombs or anybody about this business. Whether it could do him any good is more than doubtful; that it would do you harm is certain, and it would certainly disentitle my instances, in his behalf, to any weight. You can not but be aware, my dear Sue, that Hurlbut's friendship is no recommendation; as the Count says in "Werner," "Men speak lightly of him." When a man like him has lost character, it must be presumed against him, for he has wit enough to take care to make himself understood. In a word, a deserter can not be respected, tho' he, as well as all men, is entitled to justice. The South Carolinians, Georgians and Virginians have done him wrong. In addition to the common sense of indignation against wrong, I have a motive for acting in his behalf on account of his father, who was my friend. Otherwise, my dear child, I should think it no great matter if a deserter found himself deserted.

* * *

Adieu.

YOUR PARENT.

was struck with the improvement in the letters which you showed me; and have no doubt that his correspondence would have been interesting and agreeable.

Receive dear child, the affectionate vows of your

PARENT.

TO MRS. CAROLINE PETIGRU CARSON

Badwell, 5 September, 1861.

My dear Child:

* * * You will naturally look for news in a letter from America. But we are here out of the way of newspapers, and get all our news at second hand. It is announced that Adams express no longer takes letters for the North; and as the port is strictly blockaded no communication can be had with the outside world but at the risk of running the blockade, which a few succeed in doing. It is highly probable that when you receive this you will know a great deal more about American news than I do. The great actions have been to the advantage of the Confederates; but the U. S. troops are in possession of the North Carolina forts near Hatteras which have been captured. To my vision the horizon is as dark as ever. The press on both sides makes every exertion to cheat the partizans with signs of fair weather, and there is no depending on anything you read unless it comes officially. Then we have only the allowable misrepresentations of exaggeration and suppression to apprehend. The chance of having letters forwarded is so precarious, that I am far from sure that this will ever reach you. If it does it will only be valuable as a reward of the little interest I have in public affairs, and my great interest I have in you and Willie. Make me remembered to him and receive, dearest Caroline, my heartfelt vows for your well being of

YOUR FATHER.

TO MRS. SUSAN PETIGRU KING

Summerville, 30 September, 1861.

My dear Sue:

I have received both your letters; as to the last, I feel great concern about Hurlbut. If I had any confidence in the effect of a personal application, I would go to Richmond to get introduced to Gov. Letcher, but my known proclivities to the Union forbid the supposition of accomplishing anything by that course. I have in my mind a measure, which if I succeed in, may result in obtaining his liberation through the agency of another person. I am sorry that Mr. Mason is absent and that I could not see him in Charleston, for I would certainly laboured with him to interfere. Hurlbut's case is a very hard one, but it must be con-

fessed that all the stories he tells about his coming to Charleston are very strange. Even to secessionists it must appear strange, that a man attached to the Union should join them just at the time when they had put themselves clearly in the wrong, and that he should come to Charleston of all the places in the world, where his former principles had gained him a painful notoriety, and nothing was known of his recent change. If the unhappy fellow had stood his ground, we might have done much to abate public animosity, and it is not likely that our mob would have asked anything more than his expulsion from the Confederacy, which, now, would be the height of his wishes. But I repeat, I will make a strong effort soon in his behalf,—as soon as I am able. His unpopularity is so vast, that circumspection is necessary, not on my own account but on his, in every attempt to mollify his keepers. It is a horrible instance of the horrors of civil war; a state of things, which the clergy have done their best to bring about, with the approving smiles of the gentle sex.

* * * I am, dear Sue, your affectionate, tho' oftentimes discouraged

PAPA.

TO MRS. JANE PETIGRU NORTH

Summerville, October 1st, 1861.

No doubt the boys are very proud of the service as your body guard at Cherry Hill. I hope they may never engage in any service that is not equally meritorious. I suppose the flag for the Willington Guards is ready. But why don't we hear of Mr. Burt's speech?

Mr. Mason and Mr. Slidell are in Charleston. They are not on their way to Tampico, as the papers pretend, but are going to fight their way on to the steamer Nashville, which is much faster than any blockading squadron, and can go in by the Maffetts Channel, which is too shallow for the blockade ships.

* * *

Embrace the boys in my name and Louise. Sister sends love and protestations, which is no more than that felt by

YOUR BROTHER.

Wednesday.

I am back in town. Back is better. I have seen Messrs Mason and Slidell, and Henry read me a letter from Johnston, who is at Dumfries, and his regiment comparatively healthy; Ben is to join him. He censures the commissariat. Thinks the general staff careless of the health of the men, but consoles himself that our army is in better condition than the English, who have sometimes gained victories, but refers it to the pluck of the men. Adieu.

TO MRS. SUSAN PETIGRU KING

Charleston, 7 October, 1861.

My dear Sue:

It is really a treat to hear good news, and Mr. Lyon's entrance on the stage is good news for Hurlbut as well as for you and me, for I think Hurlbut's incarceration was becoming every day more oppressive to him and his friends. I believe he is more indebted to you than to me, for you put the Governor [Pickens] upon his mettle, and he wrote a very significant letter to the Virginian, which in all probability was the cause of his remitting the case to Mr. Lyons. With Mr. Lyons my intercourse is comparatively slight, but I had written to him before I received your letter and I would not recall it. If it comes where it is not needed, it will at least not render him less satisfied with what he has done. I hope the next time our friend changes his coat, he will step out of it more easily; or, what is better, I hope he will never give his enemies such an opportunity of trampling on him as Brown and Toombs have enjoyed. The letter was evidently a contrivance, and I don't wonder that Cobb has never written to me. If he could be taken in by such a bald trick, he might be ashamed of himself. I'll present you duly to Ma and think of you as well as I can.

YOUR PARENT.

When Hurlbut was released on parole, one afternoon he hired a buggy and promptly fled across the Potomac. He returned to New York, where he resumed his occupation as a journalist, and eventually became editor of the *New York World*.

On the 9th of August, 1884, while in England, he married Miss Tracy, of New York. He took to going to church and became a well conducted citizen, but a lady of New York, describing him as a married man, said that he reminded her of tame venison. He died in Rome, in 1894. He was no doubt a genius—brilliant, witty, genial, and capable of great kindness, but to the end of his days there probably never existed a man with a greater proclivity for getting himself wound up in mysterious entanglements.

CHAPTER XLVII

OCTOBER, 1861

MR. PETIGRU'S ARGUMENT AGAINST SEQUESTRATION ACT

On October 7, 1861, the first term of the Confederate court for the trial of criminal cases was held and Mr. Petigru read a writ of Garnishment served upon him, and the interrogatories attached in reference to alien enemies' property. His objection to these interrogatories was, he stated, that no human authority had the right to put these questions to him or any one in the same circumstances. He might recognize the authority of the State of South Carolina to do as proposed by that Act, because in a State like South Carolina a sufferer has no security or remedy against those in power, unless from some guarantee in the Constitution of the State. For a State may do whatever it is not forbidden to do by the fundamental law of the State. But the Confederate States have no such claim to generality. Their authority is confined to the constitution which confers it and the powers delegated to them. And whereas, in the case of a sovereign we must show a guarantee against the power; in the case of the Confederacy they must show a warrant for their warrant.

There is no article in the Constitution of the Confederate States which authorizes them to set up an inquisition, or to proceed otherwise than according to the law of the land. In fact the best authority for this proceeding is Hudson's treatise on the Star Chamber, in *Second Collectanea Juridica*. It will be found that the method prescribed in this Confiscation Act is precisely that of the Star Chamber. They call this a writ of Garnishment. Mr. Hudson calls it a subpoena. This calls upon me to disclose all the cases, in my knowledge, of property held by an alien enemy.

Mr. Hudson's writ requires the party to appear before the Star Chamber, and answer all questions that shall be put to him. These are alike in being general. There is no plaintiff. It is a general inquisition. So when the writ is returned, Mr. Attorney's writ propounds certain questions to be answered,

and requires the party to answer every other question that may be asked. So it was in the Star Chamber. Certain interrogatories were put and then a personal examination was had, consisting sometimes of from fifty to two hundred questions. This is a writ unknown to the common law. How does the Confederate States get the right to issue the writ? It is not only not known to the common law, but it is condemned by common right, and connected with the most odious usurpation of power and tyranny. If this proceeding is sustained, Mr. Hudson's will become a valuable book of practice. If no such power has been granted, how can such a thing be legal? The Confederate Government can appeal to no warrant for this proceeding except the war-making power. It will be said that the power of making war is granted; and that confiscation is the incident; and that the right of the principle is the incident. That may be admitted. What is incident to cases of the war power the grant of the war power covers. But does the war power require the creation of a Star Chamber, to worry and harass our people? These interrogatories are not for the enemies of the country, but for friends and citizens of the country; those who have the right to stand upon the Magna Charta, upon the Constitution of the State; those who have never done anything to forfeit their right. Where is the authority given? Where is the power to call upon the citizen in a new and unheard of manner, to answer questions upon oath for the purpose of forcing the confiscation law? Shall it be said that it is to furnish means for carrying on the war? How can that be said to be, what is absolutely never known to have been done before? Was there never anybody that fought before Gen. Beauregard? War, unfortunately, is not a new thing. Its history is found on every page. Was there ever a war measure like this, endured, practiced, or heard of? It certainly is not found among the people from whom we derive the common law. No English monarch or Parliament has ever sanctioned or undertaken such a thing. It is utterly inconsistent with the common law to require an inquisitorial examination of the subjects of the realm to support the laws of war. It is no more a part of the law of war than it is a part of the law of peace.

The war-making power does not include the power of compelling innocent people to answer interrogatories in promotion of

confiscation. That the power is exercised for a good and laudable purpose is no answer. Good ends must be attained by lawful means. All that can be said in favor of the end and object proposed, can be said in favor of the Star Chamber, and the Spanish Inquisition.

Torquemada set on the latter institution from the best of motives. It was to save men's souls. He labored most earnestly in season and out of season, and when high necessity commanded, he burnt their bodies to save their souls. He burnt the bodies of Jews and Protestants.

We do not consider that the end justifies the means in these days, but Torquemada might have burnt Jews and Protestants without calling upon their best friends to inform against them, and making it penal not to do so. He referred and derived his construction from the Sacred Word and it is not to be denied that he was justified in referring to the Sacred Word, so far as he proved that true faith is essential to salvation, and starting from these premises, he could argue with great effect that any means were lawful which would tend to an end so good. It is often pretended that the war power includes the power of interrogating every man in the community in aid of confiscation.

The war power includes as an incident everything that is necessary or usual. It can not be pretended that this is necessary or usual, since it never was done before. This is not the first war that ever was waged, and the laws of war are not the subject of wild speculation. Now the means granted to obtain this end are based upon the supposition that the end deserves all commendation, that nothing in the world is more calculated to advance the repute of the country, than to be keen in searching out the property of enemies and proceeding against them when they have no opportunity of being heard, and to impoverish them by taking away the earnings of their industry and applying it to other uses. Grant that it is desirable, is it to be attained by unlawful means? Let the confiscation law proceed with full vigor, but why call upon me to give an opinion concerning confiscating property, any more than any other crime that I know of?

It would be the most intolerable hardship for me—for a citizen—at every quarter session to be obliged to tell all he knows or suspects against his neighbor. It is pretended that this is an

innocent proceeding. How can it be innocent which calls upon one to commit a breach of trust? To break faith with a friend is not only disreputable in a trustee, but base. How can that be considered innocent, which compels a man to do what will make him despised by all honorable men? But if the case of a trustee calls for relief, how much more the case of an attorney or person charged with professional confidence.

The law protects every man in keeping silence when the question is asked that involves professional confidence. There can be no greater oppression than to compel a person to violate a moral or legal duty. Something should be said about the objects of this law, for there is a very common error in supposing that it applies to the estates of natives who are living abroad in an enemy's country. The term alien enemy is the only one used in the Act. It is a definite technical construction. An alien enemy must be born out of the allegiance of the sovereign. There can be no dispute about it. He is not an alien if he was born within the domains of the sovereign. A sovereign has a right to require a return. He may call on him to come home. What it is in the sovereign's power to do and what he may lawfully do with his subject when he refuses to return is another matter. But until he has been called on by his sovereign to return, a man commits no breach of duty living in an enemy's country according to law. It is impossible that the masters of the law should not have been aware of this, and they seem to have purposely left this open for the interposition of humanity. Mr. Petigru denied that there was any precedent for this law; a freeman could not be compelled to aid in this confiscating law by informing against both his friends and enemies. It was this which caused those brave men to shake the pillar of monarchy to its base and abolish the Star Chamber, but to do it with the declaration that no such thing should ever be tolerated again. Are we going in the heyday of our youth to set an example which has been repudiated by every lover and friend of freedom from the beginning of time to this day, which has never found an advocate, shocks the conscience and invades the rights of the private citizen? Mr. Petigru dwelt for some time on the hardship and injustice of compelling a trustee to betray his trusts, to turn State's evidence against his bosom friends. Is it necessary not only that the act of cruelty should be done, but that a friend

to the parties should be made to take a part in the sacrificial act? He admitted the common law does not spare the trustee, that he is bound to give evidence in court to show what property he has in trust, if it is claimed by one who claims or asserts a better title to it. But this calls upon every attorney to betray his client and make an exposure of that which tends to ruin the man who has placed entire confidence in his attorney. It is an extraordinary stretch of power in an extraordinary time, when we are endeavoring to make good before the world our right to its respect as an enlightened people; a people capable of self-government, and of governing themselves in a manner worthy of the civilization and of the light of the age, and this Act, borrowed from the darkest periods of tyranny, is dug up from the very quarters of despotism and put forward as our sentiments. They were not his sentiments, and sorry would he be, if in this sentiment, he was solitary and alone.

Mr. Petigru contended that no definition had been given of the alien. It is obvious that in this respect the law is lame and does not, even if aided by all the terrors of the inquisition, affect those who are natives. He could not account for this, except upon the supposition that those who drew the law did not wish it to operate farther than as a *brutum fulmen* and left a loop-hole for escape. It is a wide door—a back door, but it is a wide entrance into the halls of justice.

So far as he was personally concerned with this writ, he could answer every one of the questions in the negative. With regard to that which requires the violation of personal confidence he must be better instructed, before making up his mind to the order of confiscating or not. There are cases when it is dishonor or death, and death will certainly be chosen by every man who deserves the name.

Mr. Miles, the District Attorney, moved that Mr. Petigru make a return to the Court of Garnishment in which the questions stated by him should be raised. He called the attention of the audience, for whose benefit the remarks of the respondent seemed to have been made, to the singular position which the eminent respondent today for the first time occupied.

That it was not strange that one who had so often distinguished himself by the undaunted boldness with which he threw himself in opposition to the weight of public opinion, should be

the one who now invoked the aid of the Court to protect those whom the law of Congress designates as alien enemies, but whom *he* still prides himself in calling his "fellow-citizens," from the tyranny of a government which attempts to make their property subject to the rules of war. This was consistent with his past position. But it was certainly a remarkable metamorphosis, that the eminent jurist who had stood fearlessly and almost alone in his opposition to the political sentiments of the State, should now invoke the strictest and sternest construction of States' Rights that had ever been contended for even in South Carolina, in opposition to the power of the Confederate Government to pass a law in relation to a subject-matter expressly intrusted to Congress by the Constitution.

It is true that the profession of submission to the authority of the State in this matter was accompanied by the explanation that such submission would be given only because there could be no successful resistance to the tyranny. But, even with this qualification, the acknowledgment of the authority of the State was remarkable from such a quarter.

The next day Mr. Petigru received the following letter from Alfred Huger, Postmaster of Charleston since 1839.

FROM ALFRED HUGER TO PETIGRU

October 8, 1861.

My dear Petigru:

All that concerns you enters into my mind as tho' the issue was with myself, and whenever it is otherwise I shall have lost what has sometimes made me acceptable to the virtuous and the brave.

I was, as you well know, born under the rule of impulse and of instinct, and so, following my own nature, we have differed about the "necessity" of this unhappy revolution, and it is impossible for me to retrace those steps which developments of each succeeding day seem to justify. I would gladly have died to save the Union, but God has decreed that we were not worthy of a great [end?] and I must say, I hold the North to be responsible, as the instruments of its dissolution. Beyond this I am with you, and will stand with you, or fall with you. The miserable idea of suppressing truth in the name of public opinion is no less Jacobinical on this side of the Atlantic than it has been on the other; and Heaven has provided men like yourself to resist such aggression wherever and whenever it appears; the defense of the

weak and the absent is your peculiar province; mine is to look on with admiration at the head; so quick to perceive what is unjust; and at the heart which is so invincible in standing up against it.

I thank God for the opportunity which has bound me to you for more than fifty years; and I thank him more for the conviction that it will be brighter and brighter, as I shall become capable of appreciating what is elevated and generous in this world, causing a purer hopefulness of what awaits us in the next.

Faithfully and affectionately yours,

ALFRED HUGER.

Dinner will be at our house for you always. My wife is not improved.

On October 15 Mr. Petigru delivered his argument. His clients were Major Rawlins Lowndes, William Lowndes, and Mrs. Abraham Van Buren, of New York, who was the daughter of Colonel John Singleton, of Wateree, S. C.; the funds of the Mount Vernon Association, in the hands of Miss A. Parmelee Cunningham, and some colored people of Philadelphia who were beneficiaries of the estate of Mrs. Kohn. The presiding judge was the Hon. A. G. Magrath, who had been a law student under Mr. Petigru, for whom he had the greatest regard.

Mr. Petigru opened his argument by stating that his demurrer would be sustained by him upon two grounds:

First. The Writ of Garnishment, as it is called, is illegal and unwarranted. Secondly, that the purpose of the Writ, which is the confiscation of enemies' debts, is not within the competency of the Confederate Government.

No man has the right to put a free man upon his oath,—to purge his conscience, by compelling a solemn appeal to Heaven but according to law; and the law gives that authority only in a judicial proceeding to testify as a witness; to answer to matters charged against him; to obey the call of the Sovereign by taking the oath of allegiance, or the oath of office. The oath of office, the oath of allegiance, the obligation of testifying to the truth in a Court of Justice between parties litigant are acknowledged. We were never famous for opposition to authority. No person was more ready to render to Caesar all that Caesar had a decent pretext to demand. But obedience to this Writ which requires a general discovery of alien enemies, and all the information in the power of the party summoned for the purpose of discovering what property of alien enemies may be come at, I deny and refuse to answer. And the reason of this refusal is simple, although it

seems to surprise some, but as St. Paul says, I was born free and will not forfeit that freedom which I inherit from my free mother. I will not submit to be commanded where there is no right to command.

The Clerk of the District Court of the Confederate States has issued a writ commanding the person to whom it is addressed to appear in Court and answer all such questions as shall be put to him respecting alien enemies. He that does not cherish the rights of a free man is unworthy of his birthright.

It is not a circular calling on the party to come forward with money and information, nor an advertisement offering a reward for discovery, but it is a command, an order from a superior bidding the subject to do what is mentioned. It pre-supposes or takes for granted that the superior from whom it emanates has authority to compel the party to disclose all the information in his power, at least, on a given subject. That subject is the confiscation of enemies' goods. To confiscate the property of enemies may be a rightful branch of sovereign power. While upon this point the question is not whether the law of Nations allows or favors confiscation. Nations have set the example of the practice, and rulers that have been willing to adopt it, have never wanted delators and traitors, spies and informers, to turn the grindstone for sharpening the axe of power. In discussing this point we leave undisturbed the complacency of them who look with favor upon the scenes of confiscation which have grieved and disgusted the wisest and best of men. Let them enjoy their opinion. But the subject declines obedience to this order. He acknowledges that it comes from a high power and the only reason why he disobeys is that he is a free man, and has the same right to withstand an inquisitorial examination that the poor man has to close the door of his humble shed against the foot of power.

In the first place it will hardly be denied that the Government of the Confederacy is a Government of special and limited powers. Under the United States Sovereignty was the root of bitterness. Federalists, (and anyone who thinks it will help his argument may say that I was one) contended that the Federal and State Governments were co-ordinate authorities, and that they were both sovereign in their respective spheres. Perhaps they were wrong; perhaps there is an incompatibility in nature as there seems to be in language, between ideas of sovereignty and disability—that the idea of a partial sovereignty is a solecism. But that difficulty, so far as we are concerned, is set at rest by the Constitution of the Confederate States, which positively, plainly and without equivocation excludes any encroachment on the full and entire sovereignty of the several States. Therefore, what was once doubtful is now clear. Dr. Cooper's argument has triumphed: his visions are realized. We have a Constitution

which is free from ambiguity, and a government which is a mere agency; and shame must be the portion of him that would deny that the Confederate Government is confined to the powers expressly delegated, and that beyond those limits its acts are unwarranted. (See Cooper's Exposition of Nullification, 1 Stat. of South Carolina, 218, 221.)

Now if this was a question between man and man—if a neighbor came to ask such a question on the part and behalf of another person, one would naturally expect that he had express directions to interrogate on the subject, or some subject leading to it. We would expect here, if the Confederate States send such a demand, to find that their principals—those for whom they assume to act—had authorized them to examine all men upon every subject on which they needed information, or at least on that particular subject. How would it answer for the party to produce instead of a warrant to purge the conscience of the party a warrant to seize enemies' goods?

Let us forego the rigor of logic; let us concede that the grant of the power to seize enemies' goods will authorize all that is incident to that power. There is no more connection between the power of proceeding against enemies' goods, and purging the conscience, than between this inquisitorial Act, and the power of collecting revenue, of levying imposts or punishing counterfeiting. In *United States vs. Brown*, 8 Cr. 110, Ch. J. Marshall rules that the power over captures by land or water is not incident to the war power, but is a separate substantive power. Yet surely the power to make rules for captures by land or water, is more like an incident to the war power than an inquisition into the state of any man's conscience or knowledge to the power of making rules concerning captures in time of war.

As to what is incident to a grant, the rule is well understood in the law—*cuicumque aliquis quid concedit concedere videtur et id sinequo ipsa concessio esse non potuit*. Whoever grants a thing is supposed absolutely to grant that without which the grant itself would be of no effect. (*Brown's Maxims*, 426.) So the power to make by-laws is incident to a corporation. But under this rule are comprehended only things directly necessary.

Legists of the highest reputation distinguish between things which are of the essence of a grant; those which are of its nature, and those which are accidental. Those which are of the essence of a contract are such as without the contract can not exist. Those which are of its nature are as if not expressly excluded, follow the grant as a matter of course. Such is the power of a corporation to make by-laws. Those which are accidental are such as are not included in the grant unless expressly named. (*Evans' Pothier*, 6-7.)

Debts are not usually confiscated except in war; but so far is the power from being the natural consequence of war, that it is

most rarely resorted to among European nations. And in the East where it finds a congenial soil, it is practiced equally in peace and war.

But, disregarding all pedantry or grammatical strictness, I will go the very furthest brink of concession, and notwithstanding Dr. Cooper admits that the Confederacy may exercise as much constructive power as the United States could or ever did.

Such a concession will not authorize them to exercise in a civil suit, a procedure unknown to common law, and in derogation of the rights of the subject. Even if the people had given to the Confederacy the power expressly to seize the property of enemies that come here under the safeguard of peace and to sequester all debts due to our creditors, the agent would be bound in exercising that power to proceed by the law that the principal is bound by. The Confederate Government may arrest offenders against the Acts of Congress: but can they issue a general warrant? Can they alter the law of evidence, or change the procedure of the Courts? Nothing can be done more inconsistent with the relation of principal and agent, than that the agent should discard the law of the principal and resort to means in the execution of his authority which are, by the law of the principal, unlawful. Let him sequester debts, but for God's sake, let him keep his hand from General Warrant and the machinery of the Star Chamber!

All Courts must follow the established course of procedure. If it be a common Law Court, the procedure of the common law; if it be the Ecclesiastical Court, the Canon law; if a Prize Court, the course of the civil law incorporated with the practice of those Courts. (Bacon's Ab. Buller, N. P., 219.)

Now is this a common law proceeding or a proceeding in the Prize Court? Is it a civil or criminal proceeding? Is it an incident, a thing without which the judicial vigor of common law, criminal law or prize law will be impaired?

The most inveterate dispute on the subject of constructive powers was the incorporation of the Bank of the United States. It was defended on the ground that all civilized people of the present age have a Government to aid in the collection, disbursement and safe keeping of the revenue. It was argued that it was incidental to the power of raising and disbursing revenue, because it was usual, and without it the thing could not be done as well. That the creation of a corporation was an ordinary exercise of legislative power in aid of some public purpose. That it was not a substantive but an adjective branch of legislation, and was therefore capable of fairly coming within the definition of a law necessary and proper to the due discharge of the duty and power of the Government.

What shall be said of the monstrous fallacy of making this a

precedent for establishing a Court of Star Chamber as incident to captures on land?

But I deny that this is a judicial proceeding at all. A Writ of Garnishment is a term unknown to our law, and the thing before us is not a Writ.

What is a Writ? It is the first step in a suit. And what is a suit? It is a proceeding between plaintiff and defendant. (3 Bl., 272.) If a Writ is litigated between parties in a Court of Justice the proceeding by which the decision is sought is a suit, *pr. Marshall. Weston vs. The City Council*, 2 Peters, 464.

Here there is no plaintiff and no defendant; it is no more a judicial proceeding than if the Governor or General should call up every man in the community and purge his conscience as to alien enemies.

A man is bound to testify when required as a witness, but he can not fill the character of a witness unless there is a suit. And the State may require its citizens to take the oath of allegiance, which certainly the Confederate Government can not. And there are oaths of office, but there never was an oath like this since the days of the Star Chamber.

And this brings the case within the Law of General Warrants. (Wilkes' case, 1 Lofft, 1; *Money vs. Leach*, 3 Burr, 1762 H. H. 580.) Shall it be said that a general commission to compel every man to give information is not a general warrant? It is not only like a general warrant but it is the same thing in substance, and there is just the difference between this Writ of Garnishment, as it is called, and the Writ of Foreign Attachment that there is between a general warrant and a warrant to arrest an individual.

After this, if any man defends this proceeding let him give up all claim to State Rights, all pretensions to be a Constitutional lawyer, or a friend of Public Rights.

So far I have confined myself to the consideration of the inquisitorial power assumed by the Sequestration Act, and endeavored to show, I hope not unsuccessfully, that if the Confederate Government confines itself *bona fide* to the agency committed to it by the instrument under which it acts, and under which alone it can pretend to any jurisdiction of the matter, according to the true intent and meaning of that instrument it can have no right to order a private citizen to come forward and act as an informer, even if the information sought was conducive to an object within its legitimate sphere of action.

But I will proceed now in furtherance of the arguments of my friends yesterday addressed to the Court, to show that the object in view is not a legitimate object—that is, that the object in view is not included in the powers delegated to the Confederacy by the Sovereign States. The object of the inquiries is to enable the Confederacy to confiscate enemies' property found in

the State at the beginning of the war, and brought here under the sanctions of peace. I deny that the instrument under which the Confederacy derive all their power authorized them to confiscate such property.

The holder of enemies' property has the right of possession; and is entitled to hold till a better title is shown. This is no more than the common birth-right of a free man. To the minister who assumes to intermeddle with his possession on behalf of the Confederate Government, he has a right to demand not merely his authority, but the authority of his master, that master being as we have again and again repeated only an agent. To this demand the answer is given that the Government has the power to declare war! That the power to declare war does not include the right of confiscation is not only plain from reason, but so fully proved by the authority of Brown's case as to be scarcely insisted on. But it seems to be supposed that the power to confiscate may be found in the other part of the same clause, to wit: "Congress shall have power to make rules concerning captures on land and water." The whole is taken from the Constitution of the United States, and the very same thing is found in the Articles of Confederation of the year 1778, Art. IX: "The United States in Congress assembled, shall have the whole and exclusive right of determining on peace or war," (the exception being immaterial to the present question) "of establishing rules for deciding in all cases what captures on land or water shall be legal and in what manner prizes by land or naval forces in the service of the United States, shall be divided or apportioned." It would be mere quibbling to say that these two passages are not identical in sense; and indeed the Articles of Federation seem to be rather more full and explicit on this head of the grant of power than the Constitution. But neither one nor the other comes up to the point of confiscation.

A distinction here must be made between tangible property, such as lands, goods or movables, and things in action merely as debts. Enemies' goods found in the country at the breaking out of war, when the possession is assumed by an enemy, may without any great stretch of language be said to be captured, and it might be argued with plausibility that the clause relating to captures includes such cases. Yet captures more properly apply to what is taken by an armed hand in the exercise of open war—not merely acquisition by conquest; and the words of the clause will be fully satisfied if confined to this meaning. And such was the contemporary construction. The Confederation took cognizance of what was gained by conquest by men in arms, but they interfered not with the rich estates of the Phillipses, the Robinsons, or other loyalists, over which the right of confiscation was exercised by the States. This construction was the presumption of the law in its favor. *Expositio contemp-*

anea est fortissima in lege. One might justly be suspected of intending a bitter mockery, if he affected to set the authority of people now in power over that of the historical men of the Revolution.

The Confederacy did not exercise this power and the States did. And how did they exercise it? Not with blind and headlong rage, that pays no regard to dignity, to age or innocence, and blends in indiscriminate ruin men and women and children; but with a calm and temperate discrimination. I speak at least of South Carolina. Her people, even in the height of civil rage, could not forget what was due to their own honor; and I rejoice to think that on the Jacksonborough Roll the name of no innocent man, no woman, no child, is found. Why need we fear, then, to leave this "two-handed engine" in the keeping of the State? Why this haste to commit this dreaded power to strange and untried hands?

But whatever may be said on the right of the Confederate States to confiscate tangible property of alien enemies found in the State at the breaking out of war, goes very little way toward establishing the authority of confiscating debts.

Of tangible property the possession may be divested out of the owner by the conqueror. It is within his grasp, and his right grows out of his power over it. But debts have no locality. By the common consent of mankind debts follow the person of the creditor. *Debita sequuntur personam creditoris*, is acknowledged as a maxim everywhere. Thus a person's assignment, whether made in the country where the debtor resides, or on the other side of the world, carries the property against all subsequent liens. The civil power has jurisdiction over all persons and property within its territorial limits. But in a debt the property belongs to the creditor not the debtor. On the part of the debtor it is an obligation, a moral and legal tie, binding him to do or pay something in particular, not to this person or to that, but to the creditor himself or to his agent. Now, in the first place, this relation between the creditor and the debtor can not be "captured" in any reasonable sense. To capture a moral relation, to levy upon an idea, is simply to speak absurdly. The framers of the Constitutions, both new and old, and the grave and eminent men that framed the Articles of Confederation, had perfectly the use of language. Had they meant to invest the *power* with the right contended for, it would have been easy to add to the clause concerning captures, these words, "and to confiscate the debts of alien enemies."

But it was argued yesterday that the property of all alien enemies belongs to the State, and the State takes only what is its own when it compels the debtor to pay. For this proposition the authority of Lord Hale is invoked. A venerable name indeed, on many accounts entitled to respect; but his errors are

no better than those of another man. His work is said to have been printed from a foul draught, incomplete and lacking the last hand of the author. But however that may be, the Bury Assizes will ever remain a warning against pinning one's faith to the sleeve of Lord Hale, who had more authority for burning the poor women for witches, than for asserting that enemies' goods belong to the King.

It is argued that an alien enemy has no rights, and no injury is done to the debtor because he is discharged from all duty to his creditor. Can one believe this, and believe in God? Are moral relations nothing? Is gratitude a delusion? Can war do away with a moral relation? There is a moral tie even when there is legal sanction, and gratitude can not be suppressed by any third party, either in peace or war. In debt there is a moral as well as a legal obligation, and he that has received a deposit or contracted a debt for money entrusted to him owes a recompense to his creditor, because he is a human being, and this a part of the law of his nature, which he can no more put off than he can change his natural constitution. How idle then to talk of the innocence of confiscation as a thing harmless to the unhappy man that is served with a Writ of Garnishment, as if he had no right to complain, when he is compelled by the arm of power to pay and still continues in conscience to owe the debt; not only so, but as my friends have yesterday abundantly shown is still liable to be sued in the Courts of every country except those of the spoliator.

But do I contend that the State can not confiscate debts? By no means. Unhappily for mankind it is too true; and too often has it been done to doubt the existence of the power. But why can the State confiscate? Because the State is sovereign. The State may substitute expediency or policy for justice, "for who shall put a hook in the nose of Leviathan." The people, in laying the foundation of Government, may put private rights under the guardianship of the Judiciary, by constitutional provisions. The people have hitherto not thought it necessary to restrain the sovereignty of the State by any constitutional inhibition against confiscation; and therefore the State may even confiscate debts. But has the State of South Carolina parted with this attribute of sovereignty? If so, produce the passage, and remember that the language, to effect a consequence so tremendous, must be clear and explicit. The war power can make out anything by presumption and analogy. Fortunately for us, in this instance—fortunately for humanity—analogy and presumption are, by the very terms of the instrument which the power produces, excluded. The Confederate Congress can only claim to make laws to carry into effect powers *expressly* granted. That the power in this case is not expressly granted is a palpable fact. Shall construction and implication be resorted

to in defiance of the charter? Forbid it, Heaven! for if it is, mankind have been deluded by a vain hope, and paper Constitutions are no more than a cheat practiced on the credulity of poor suffering human nature.

Nothing but the sense of extreme importance of the principles at stake could have compelled me, now that the visions of hope have fled, and the fire of youth is extinct, to venture into this arena. I would that it had fallen into hands more able to discharge this duty; but such as it is, I lay this offering of age on the altar of justice, and am done.*

TO MRS. JANE PETIGRU NORTH

Summerville, October 16, 1861.

You are discomposed by the news that I am entangled with the Confederate Government. It is even so. That Government, like a desperate gamester, is going beyond anything in the annals of tyranny. Confiscated at one swoop the whole property in the country belonging to the Northern people. Not only have they exceeded all former confiscations by the generality of the Acts, but they have turned every man into an informer, the basest character in all times known to the world. They served me with a writ calling upon me to inform against all my Northern clients. I resisted it as an unconstitutional act. I stood alone at first, but I believe the majority of the Bar are now with me. I was not quite accurate in saying I stood alone, for William Whaley backed me on the spot. The argument was put off till Monday, (the 14th inst.). In the meantime Nelson Mitchell joined me. On Monday he and Whaley and Richardson Miles, (the latter for the Government,) were heard, and Tuesday Col. Hayne, on the same side, with Miles and me. We did not lose anything by the discussion, and tho' I have no hope of touching Magrath's conscience, it is probable the discussion will lead to important changes in the Act, by opening the eyes of men to its enormity.

* * *

Before quitting the subject of the case in court I ought to have mentioned that I sent my speech to the *Courier*. It may possibly come out tomorrow, but probably not till Saturday. As the *Mercury* is not likely to publish it, I will try to send you one. The Judge took time for his decision, but, as I said before, I have no hopes for him. I dined with Henry Lesesne every day during the discussion. He thinks I am right, so does Alfred Huger, and the most of my friends are on my side. Mr. Gould, from Augusta, came to Charleston on purpose to hear the debate, the Georgians being very anxious on the subject.

*From the Sequestration Act of the Confederate States.—Pamphlet in the Charleston, S. C., Library.

Mrs. John Butler* has come to save Butler's Island from confiscation. Gen. Scott gave her a passport and she found no difficulty. I saw Col. Moses Tuesday and had the favor of a few words with him. He is just from Western Virginia. He does not think we shall ever conquer it. The people are hostile to us, and Rosecrans is more than a match for the generals we have there.

TO MRS. JANE PETIGRU NORTH

Summerville, October 30, 1861.

* * * If I had a copy of my speech on the 9th I would send it to you, but that I have not. It is so incorrectly printed that some passages are unintelligible, which makes me very much regret the want of a copy, especially as the reporter (a Mr. Woodruff) is going to try a speculation of printing the whole of them, seven in number, for sale. If his means holds out I will send you a copy, which will be correct, at least comparatively. I have been gratified by the plaudits that have been bestowed on the thing, for I was mightily afraid that folks would say that it is time for the old man to retire. It is possible that the old lady, whose murder shocked our minds so much a few days ago, was the mother of your friend, Mrs. Williams. I had no idea that it was anybody of her condition. What a miserable insight it gives under the constitution of our society.

I suppose you have seen that the Judge overruled us on the great question, but gave judgment in the favor of Wilkinson, who confined himself to a corner of the case. Mr. McCrady came out like a man and made a conservative speech. * * *

*She was Miss Morris, of South Carolina, and resided in Philadelphia.

CHAPTER XLVIII

OCTOBER-NOVEMBER, 1861

WORK ON THE CODE; ADVICE TO HIS GRANDSON, JAMES;
FEDERAL DESCENT ON THE SEA COAST; GENERAL PANIC,
AND ABANDONMENT OF THE SEA ISLANDS

TO MRS. JANE PETIGRU NORTH

October 30, 1861.

My work has gone tolerably well. I have got over the worst part and have a decent portion of MS. in the printer's hands. My assistants have left me, Young and Middleton.* I regretted the last, who was willing and apt. I have in his place Henry Seabrook, a very proper young man. The war drags on very heavily. It may last many years. The great fleet has gone, I've no doubt, to the mouth of the Mississippi; whether they will all go to New Orleans is another matter. I never thought they were coming here. There would be no sense in it. No object in taking Charleston, if they could, for it is not a commanding point; it would open no pathway into the interior. In the meantime, if the war lasts, it is likely to inflict on both North and South a heavy misfortune in the loss of their liberties. The administration of Lincoln is arbitrary, and the Richmond Congress is a revolutionary body, which is shown in the Sequestration Act that we are on the way to irresponsible power. But this is enough. My health is certainly improved. I wish I could say as much for my wife.

TO MRS. JANE PETIGRU NORTH

Summerville, November 7, 1861.

I found the printers in perplexity with the Code, and have been working hard to get them along. My last help, Henry Seabrook, left me yesterday, so I am alone in Johnston's house.

You know I can not work on the Code at the office. My first business was to visit the sisters, and there I found Sister Anne all alone, looking like solitude, for the girls had retired. * * * Louise and the daughters three were round the work-table knitting socks for the soldiers. * * * I had observed that Johnston's house was open, and though I had no idea of it,

*Henry E. Young and John Izard Middleton, jr.

except the thought that it was empty it would have suited me exactly, I inquired who was in it. In answer to this inquiry Henry King told me that Nat and his wife were the occupants and that Johnston left positive orders that it should not be let. This suited me exactly, and I moved my writing materials and books to No. 59 Tradd Street, whence I am now writing. The great fleet, or at least part of it, is at Port Royal. They have been shooting at blank distances and I predict the expedition will end in disgrace. It appears to me an idle project to make a descent on this coast where there is nothing to be gained, and where defeat would be so disgraceful, instead of striking a blow at New Orleans where success would have an important bearing on the issue. The women are fleeing from the islands to the city, but there is no evidence of consternation here; great inconvenience, however, in draining the shops of their clerks, much to the hinderance of the Code.

TO JAMES PETIGRU CARSON

Charleston, November 7, 1861.

My dear James:

* * * Upon reflection I think it better that you stay at Badwell, at least till New Year. In the meantime I will find out what Mr. Porcher is going to do and make a definite arrangement for next year.

I do not think you will stand a fair chance with other men in the race of life if you do not qualify yourself to write a fair hand. It was my intention to put you under the tuition of a writing master as soon as you came here. But everything is so distracted that I doubt whether a writing master could be found in Charleston at this time. And it is for this reason chiefly that I am induced to withdraw my consent to your coming here at once. At Badwell you may spend a month very profitably in studying to improve your penmanship and in reading. I regret that there is not there a complete set of Plutarch's Lives. But there are some old volumes which at your age I read from day to day. Nor have I ever regretted the hours which I bestowed on him. Lord Mahon's history is very excellent reading, too, and I know your aunt has that. I think that your cousin Lou's company can not fail to be a source of pleasure and improvement. Nothing qualifies a man so much for good company, which is a blessing for those who have a taste for it, as the society of an amiable and accomplished person of the other sex who is older than himself, without being too old to take some interest in him. Knowledge, it is true, is entitled to the first rank in the objects of education, but manners and the ability of conversing agreeably greatly conduce to set off one's knowledge to advantage and to insure success in life. And you are aware, James, that you

have no fortune, and that if you attain an eligible rank you will owe it to yourself. Nor do I see any reason to despair of your doing well if you will only be true to yourself.

I have heard nothing from Charlie Allston, and if he is with you give him my paternal blessing and be assured, dear James, that whatever concerns you is nearest to the heart of

YOUR GRANDFATHER.

TO MRS. JANE PETIGRU NORTH

Charleston, November 14, 1861.

My dear Jane:

Yours of the 9th I received on the 11th and that of the 11th today. Since the enemy's fleet appeared in Port Royal consternation has reigned in town and country. The excitement has been awful and it does not abate, except imperceptibly. All the males are gone out of the city and the women, young and old, are in terror and alarm. Old women are visited with the most cruel fears and the young, indeed, could not be more terrified. On the islands a discovery is made which the inhabitants were slow in coming to, that in a war with an enemy that is master of the sea they are masters of nothing. Many of the negroes have refused to move and they are not under compulsion, because the masters are moving. It is said that Beaufort is unpeopled, as far as white folks are concerned. Gen. Lee would not order it burnt and it seems that the owners, when it came to the point, think it is the duty of the Government to burn cities, not that of individuals. I advise all of them that are blustering about their intentions to burn their houses to keep the Yankees out to resort to a more significant way of spiting the enemy by hanging themselves. Fortunately sister is not scared, she is one of the unterrified and we do not propose to move. In the first place I do not think the enemy can take the city and, in the second place, if the city is taken it is not going to be dealt with otherwise than according to the usages of civilized warfare, and that which the old women have such a horror of is a very distant possibility. Madame Tognio goes this afternoon. I have advised everybody that asked me to stay, but nobody has taken my advice. Sue is one of those who are frightened out of her wits. She goes with the Kings to Greenville. I wish you could invite her and Addie to stay with you, but I don't think you can. Sister Ann is coming, with her horses and four servants. * * * The people next door are in great distraction, going to Mary Robertson, in St. John's. Mrs. Holbrook and Miss Pinckney are the only persons that I have heard of besides who are going to stay without being compelled.

The panic will be over in a fortnight. The enemy will quietly hold the sea islands, and if they make an attempt on Charleston

will have to wait a long time for reinforcements, quite long enough to allow a large concentration of the forces here. I think Mr. Porcher inexcusable for breaking up his school, and the authorities are still more so for enlisting youths of 16. * * *

I have been very busy all day, having nobody to help me either with the code or at the office. * * *

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, November 20, 1861.

My dear Jane:

New things are all around us. A week ago I wrote to you of the enemy's fleet being off Port Royal, which was a thing not expected by me, as I thought that New Orleans was more likely to be their object, as being a point of more importance. However, though Beaufort is obscure in the *Gazetteer of Cities*, it is vastly important to the hundreds, aye, even thousands, that live within its influence. The inhabitants, it is said, have fled and the enemy have not occupied it. The planters all along the seacoast have moved their negroes and abandoned their houses. I have heard of only one man burning his house. That was Dr. Fuller, who set fire to everything, including corn and cotton, and by doing so compelled his negroes to follow him, as they were on an island without food or shelter. It is not easy to hear the truth. A man can tell what he has done, but no one has had time to make himself acquainted with what others are doing. No doubt many negroes have abandoned their masters, but the greater part are safely removed. But it is a ruinous business. Some have burnt their cotton, but the threats of burning the towns and setting fire to the houses have not been realized. It is from this quarter that the most serious danger is apprehended. There are plenty of zealots who profess to be ready to make Charleston another Moscow. We have to trust first to the valor of our men and their ability to defeat the enemy if they advance upon Charleston, and second, to the sobering influence of reflection to prevent so suicidal a measure as the destruction of the town. For these reasons I look upon Charleston to be as safe as other places, and fortunately sister concurs with me, and does not think of moving. * * * It is not doubtful that the enemy met with dreadful losses in the gale of the 1st. Perhaps we owe much of our present safety to it. The capture of Mr. Mason and Mr. Slidell makes a great stir, but it is regular according to English law. * * *

YOUR BROTHER.

The following is appropriate at this point. It is from the "Editor's Drawer," *Harper's Magazine*, July, 1877:

I was in Washington City at the time Mason and Slidell were captured, and we thought our troops were about to gain possession of Charleston. I called upon President Lincoln with the late venerable Comptroller Whittlesey, and in the course of conversation I said, "Mr. President, we of the North feel like punishing the Charlestonians, for they are arch-offenders." "I feel a little so myself," he said, "but what shall we do with Mr. Petigru?" The latter was a stanch Union man, and remained so while the madmen raged around him. The question suggested "a little story" to Mr. Lincoln. His eyes sparkled with humor and he said, "A little chap in Illinois was very fond of relating Scripture narratives. At one time he was telling the story of the destruction of Sodom and Gomorrah and the promise of the Lord to save the cities if a certain number of righteous men could be found in them. 'How many righteous men did the Lord accept?' asked a listener. 'I don't know exactly,' said the narrator. 'I know Abraham beat down the Lord a good deal.' "So," said Mr. Lincoln, "they may beat us down to Mr. Petigru and save Charleston."

TO MRS. JANE PETIGRU NORTH

Broad Street, November 20, 1861. Night.

In writing today I forgot to tell you that I am quite well. * * * I have lost all my aids. Henry Seabrook, the last, has had his hands full removing his negroes, for they were on Edisto Island, where his plantation is. All three of my students are gone to the wars. No, I believe Edgerton has only been sick. Henry King is encamped at the Race Course. The consequence is that St. Michael's Alley is shut up, except on those days when I leave Tradd Street on account of some special call. I hope you received the pamphlet with the speeches on the Sequestration Act. * * *

I will never be able to divest myself of the idea that those persons who have been egging on the war have as little religion as their neighbors. It is certainly lamentable to witness the symptoms of the cruel and malignant feelings which this war has engendered, and worst of all these turbulent sentiments are conspicuously developed in the female mind. Another strange thing is that the islanders seem but just now to have found out that war is hostile to their interests. * * * Adieu.

YOUR BROTHER.

TO MRS. CAROLINE PETIGRU CARSON

Charleston, 23 November, 1861.

So at last Dear Carey, I have heard from you. Last Sunday Mr. Hachet's letter and yesterday another by way of Norfolk.

How glad I am that the dangers of the sea are over; and yet there is a suppressed regret that you could not stay abroad while the elements at home are in such strife. Things are really changed when a letter to New York is an extraordinary event. Mrs. Oelrich kept Ma company all the time, and I found her there and went to work hard on the code with Jack Middleton to help, and mighty little assistance from Henry Young and Trescot. Henry Young got a place in Gen. Drayton's staff, and Jack for want of patronage was fain to take the situation of a volunteer in the same service. * * *

Mad. Togno bolted this day was a week, and all the Kings the next day, and Sue and Adele with them, and Aunt Anne with Anna, Louise, and Marion Porcher last Thursday. * * * There is no great interest in such *demenagements*, but on Edisto and the Islands it is a real tragedy. They are completely depopulated. The finest plantations in the State left waste; the negroes carried off, and in some instances to compel them to go their houses and all their provisions burnt. I saw William Whaley and my young friend Henry Seabrook, and never was distress more vividly depicted than in their countenances. It is not only the distress of parting from their homes endeared by early associations, but positive impoverishment. They save nothing but their negroes, and not all of them, for some prefer the other side, and they have to find new homes, and provide for their people for a whole year, while the abandonment of their crops just harvested leaves them penniless. Gen. Sherman has issued a proclamation, but it does not hold out encouragement to any but those who are well affected. Unfortunately the well affected are so few that they are effectually suppressed by the prevalent feeling. Jeff Davis has as complete control of the Southern mind as ever old Jefferson had and no matter what the moving cause may be, whether wounded vanity or groundless fears, our people, men and women and the women full as much as the men, are inflamed to the highest degree, and are under the hands of the rulers as malleable as melted ore. Nothing is more common than to hear people gravely talk of setting fire to the city if they can not defend it. I combat the idea openly with impunity, which is a sign of hesitation on the part of the zealots, and I do not think the threat would be executed unless the military authorities should order it. They boasted that they would burn Beaufort, but Gen. Lee would not order it, and the inhabitants deserted their houses without burning them. Therefore I deem it unnecessary for the good people to fly; because in the first place I do not think that the North can throw into this State sufficient force to cut their way to Charleston; and in the next place I do not think that when it comes to the pinch our people would be mad enough to set fire to their houses. * * *

Charley Porcher is in Virginia, and I am afraid if Jem was here he would be carried away by the popular current. Gov. Allston is at Chicora; Minnie at Waverly. If the invasion reaches Waccamaw their situation will be deplorable. Mary Pettigrew (Blount) is nursing the sick and wounded at Petersburg. Charles and little Carey are at Scuppernon, where they have been all summer. Johnston is at the head of a North Carolina Regiment on the Potomac, greatly extolled as an officer.

Perhaps it is necessary that the new order of things be consolidated by the cement of blood—and there may be a secondary policy in prosecuting this war, that will justify the waste of life and treasure. But the avowed and ostensible object—the reconstruction of the Union—is futile. Mr. Sass at the Charleston Bank has intimated to me that he has a chance for despatching this letter even under seal. * * * and receive the blessing of

YOUR FATHER.

CHAPTER XLIX

DECEMBER, 1861

SILVER DEPOSITED FOR SAFE KEEPING IN COMMERCIAL BANK OF COLUMBIA; ITS ULTIMATE LOSS; GREAT FIRE IN CHARLESTON; BURNING OF HIS HOUSE; COURAGE AND CHEERFULNESS IN ADVERSITY; BANK OF CHARLESTON VOTES A YEAR'S SALARY IN ADVANCE; RE-ELECTED BY LEGISLATURE COMMISSIONER FOR DIGESTING AND RE-MOLDING THE LAWS, WITH THE SAME SALARY

TO MRS. CAROLINE PETIGRU CARSON

Charleston, 13 December, 1861.

My dear Caroline:

The morning is clear, a gentle breeze fanning the air and the bright sun looks down on Charleston in ashes. I was away. I left the home that I was never to see again, on Monday evening, and distributed my second number of the code on Thursday. I was at table with Gov. Manning when Moses of Sumter came at 4 o'clock and told me my house was burnt. Fortunately it was in time for me to take the afternoon car, and I arrived at $\frac{1}{4}$ after two this morning. I found your mother in Mad. Togno's house. I will try to get Gen. Huger to pass the morning papers, and if he concedes such indulgence you will read the full account of the fire with a deep but very melancholy interest. I may say in general that the whole space in S. W. direction from the foot of Hasell street on the Cooper River side to the Ashley River at a point between Tradd and Gibbes street is one smoking ruin.

Our individual loss is less than I expected. After they got your mother out of the house the servants and friends made the most strenuous exertions. Unhappily trusting to the interposition of St. Finbarr's, between us and the raging torrent, caused this movement to be delayed too long. We have not a bed left, nor have they saved anything out of your room, or anything else of yours but two clocks, and two boxes out of the wine room. The wine in bottles is gone,—burnt in the yard with the bedding where they had taken them when the horn warned them to go out as they were going to apply the match to blow the house. But my books are saved and almost everything else except what I have mentioned. It is far easier to bear what comes

from the hand of God than that which proceeds from the folly or wickedness of man. This calamity is not connected with any fault of ours or our friends, and though I shall never recover it you may comfort yourself, dear child, with the assurance that I will bear it with resignation.

James is at Badwell, where I told him to stay till January. I can't omit to mention that we learn Cuthbert saw the reflexion of the fire early in the night, jumped on the car and came to Charleston, 50 odd miles, and was on the roof of the house before it took fire, rendering good service. Your mother this morning is more tranquil than I expected. Poor Parley [a servant] was dissolved in tears when she met me at the door.

Adieu my dear, my love to your kind friends, and warm greeting to them that friendship is more proper to offer, from

YOUR FATHER.

P. S.—Your silver was taken by me to Columbia, and safely deposited in the vault of the Commercial Bank on Wednesday.

The silver belonging to Mr. Petigru deposited in the bank of Columbia was estimated to be worth six thousand dollars, and that of the Carsons a like amount. By giving equal weight to the various statements as to who burned Columbia, it can be safely said that it burned itself, but there is no doubt that certain "ruffians or camp followers" of Sherman's army looted the banks. While on the march General Sherman noticed a soldier boiling soup in a silver pitcher upon which there was an inscription. He examined the pitcher and found that it belonged to Mr. Petigru. He turned it over to one of his staff, and a few years afterwards, through the War Department, it was sent to Mrs. Carson in New York. Some years before this pitcher, inclosed in a polished oak box lined with blue velvet, had been sent to Mr. Petigru by his friend Mr. Drayton in Philadelphia. It was always treated with great consideration and was only brought out on special occasions. When received in New York it was scratched and dented, and showed that it had been through the war. When sent to be repaired, strange to say, it turned out to be only a plated pitcher. Some years afterwards William Carson was persuaded by some silversmith friend in Maiden Lane to send it to him and have it made over as good as new. After this was done he proposed to his brother to pay for the work, which he declined to do because the pitcher with the scars was valuable as a relic, but with these removed it became

no more than an ordinary plated pitcher. Consequently it was left with the silversmith.

In this connection the following letters are interesting.

GEN. WILLIAM T. SHERMAN TO WILLIAM CARSON

5th Ave. Hotel, New York, March 11, 1888.

Wm. Carson, Esq.,
16 Exchange Building.

My dear Sir:

I have a letter from your mother, written from Rome, in which she asks me to make some affidavit which may facilitate her collection of a claim against the U. S. for silverware belonging to your grandfather Petigru's family, and to send the same to you.

There is no family anywhere for which I would like to manifest love and respect more than that of Jas. L. Petigru of Charleston especially your mother, Caroline, but it would be positively wrong for General Sherman to make an affidavit to be used against the United States. I have no personal knowledge upon which to base an affidavit; only a faint recollection that either seeing or hearing of some article of silverware bearing the mark "Petigru," I ordered it to be sent the family at Charleston. My army never went to Charleston, but passed through Columbia, where it may be some unauthorized and unwarranted pilfering may have occurred during the conflagration resulting from the setting fire to the bridges, depots, and cotton by the enemy before we crossed the Congaree.

The United States will not of course pay for the unauthorized acts of Wheeler's Cavalry, of the negroes, or petty marauders which attend every army; these are acts of war chargeable to those who caused the war—surely not Mr. Petigru, but his neighbors in South Carolina, against whom your mother has just cause of action.

Please explain these things to your mother, and though I must not attempt an affidavit, I will cheerfully give in a petition to Congress to pay her, the daughter of Jas. L. Petigru of Charleston, S. C., for the noble service he rendered his country, by standing almost solitary and alone in combatting the fearful heresy of "Secession" which deluged our land in blood, and cost the honest people of this country thousands of millions of dollars.

I am truly yours,

W. T. SHERMAN.

GEN. WILLIAM T. SHERMAN TO MRS. WILLIAM CARSON

5th Ave. Hotel, New York, April 5, 1888.

Dear Mrs. Carson:

As soon as I received your welcome letter of Feb. 28, I wrote to your son, William, at 16 Exchange Place, that it was forbidden

to Army officers to make voluntary statements on which to base claims against the U. S. Expecting an answer I awaited it before replying to yours. I have the faintest recollection of hearing of, or seeing some plate in Columbia, S. C., at the time of our passage in 1865, and that I ordered it to be sent to the family at Charleston. I have not the remotest idea of its value, or of hearing that you had lost articles to the value of \$6,000. The bank in Columbia was not sacked, but may have been burned in the general conflagration of February 17, the cause of which has been disputed, but about which I have not a shadow of doubt, viz. by the burning of cotton in the streets during a heavy wind storm,—the fire being set to the cotton long before one of my soldiers had entered the city. Nevertheless I shall always be glad if any good luck comes to you from that or any other source. I would, however, much prefer that your father's loyalty to his country should be specifically rewarded, the value of whose example was worth more to the Union than the money value of both Charleston and Columbia.

I hope you will come back to New York again, where your old friends may see you occasionally. I am glad to hear that you are acquainted with the Princess Treggiano, who was a Miss Field, of New York. When I was in Rome in 1872 she was a most beautiful and accomplished young mother. Her relatives here are particular friends of mine.

I am at the 5th Ave. Hotel with Mrs. Sherman and two daughters—to be near our youngest son who is at Yale College, to graduate in June, and who will then enter the law office of my relative Mr. Evarts. Whether we return to our home at St. Louis will largely depend on the interests of that son.

Wishing you and yours all possible happiness, and with a grateful remembrance of the days long gone in Charleston and on Cooper River,

I am sincerely yours,

W. T. SHERMAN.

Returning to Mr. Petigru's life in the early days of the war:

TO MRS. JANE PETIGRU NORTH

Charleston, December 13, 1861.

My dear Jane:

I received yours of the 6th and intended to write to you from Columbia, from which I hurried last evening upon learning that my house was burnt, which is but too true. It would be unpardonable weakness to complain when one only shares the common lot—nay, when better men are condemned to the same fate. And how shall an individual venture to bewail the loss of his house when so many churches, temples and public buildings are involved in the same ruin? I have no doubt you have seen, or

will soon see, the papers which describe the scene of conflagration more minutely than I can. I will only undertake to tell what concerns ourselves particularly.

I was in Columbia, and went on Monday evening with two copies of the second number of the Code, having the promise of Evans & Cogswell that the rest of the impression should follow on Thursday. This was done and I had the pleasure of seeing the distribution of them. The same day at table with Governor Manning a friend came in and told me my house was burnt. It was a relief to me that I was still in time for the evening car, and I started; arrived last night, not knowing where sister was, but found her at Madame Tognio's house, and didn't find things as bad as I expected. My books are saved, but the bedding and the wine and everything of Caroline's except ten boxes of wine and two clocks is gone. I believe my clothes were saved, but servants behaved well, exceeding well; nor were our friends lacking to the call. William Cuthbert saw early in the evening the reflection of the flames at Pocotaligo; jumped upon the car; took to his feet at the bridge and was on the roof of the house doing good service before it took fire. We have saved a great deal more than other people and would have saved everything if they had not been encouraged to believe that the stone structure of St. Finbar's and the great space interposed by it would protect us. They did not begin to move, therefore, until the steeple of the church was in flames, but they seemed to have worked after that with the most laudable zeal. After it crossed Broad Street the progress of the fire was so furious that many of our friends in Logan Street, among the rest Mr. Willington, saved nothing. I am insured in Augusta for \$6,000, which would not rebuild the house, and the furniture is a dead loss. However, I am thankful it is no worse, and sister is better a great deal this morning than I expected. Madame Tognio has opened her school in Columbia, and hopes to clear her house rent there by the scholars that have stayed by her. For the present we occupy her house in Meeting Street,* and as for the future put our trust in Him that takes care of the sparrows. My dear love to the sisters twain, to the nieces all, and to Jim, and to you, dear Jane, from

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, December 19, 1861.

My dear Jane:

The days seem to have come at last when we may say "we have no pleasure in them." The fire was a great disaster, but

*This house is the next south of the hall of the South Carolina Historical Society.

poor little Louise, [his niece, Louise Porcher] she furnishes a more bitter sense of grief. We were burnt out, but the public loss seemed to swallow up in a great degree the sense of our particular share. But the destruction of life, when it falls upon the object of our affections, is unmitigated bitterness. Pray God she may be spared, but your letter of the 17th leaves very little ground for hopes. * * * They saved all the pictures but one [of Judge Huger] and I think it will be found to have been taken elsewhere by mistake. * * * About one thousand volumes of my books are saved. I have chiefly to regret the loss of the *Biographie Universelle*, in thirty-three volumes, and the *Columbia Magazine*, in twelve volumes, presented to me by Mr. Everett and intended by me for the Dela Howe School in place of that copy which the testator left to it and which by the neglect of his trustees has been lost. * * * The House has stopped the appropriation for the Code. The Senate have disagreed and it is in uncertainty. I received a letter from Jo this morning full of sympathy and manly feeling. My sorrowful salutations to all Badwell.

YOUR BROTHER.

The Augusta company in which I insured have given me to understand that they will pay the insurance, \$6,000, without waiting for the sixty days to which they are entitled.

I embrace you all and beg you not to grieve over what can not be helped. As I told one of my friends today, who was offering his condolence, I bear it a great deal better than if it came from wickedness of enemies or the folly of friends.

YOUR BROTHER.

TO MRS. CAROLINE PETIGRU CARSON

Charleston, 21 December, 1861.

My dear Child:

* * * The pictures are all saved and your drawings, which last is owing to Nannie's presence of mind. The silver is all safe. I had taken it to Columbia and deposited it all in the vault of the Commercial Bank the very day of the fire. The fire burst out, I am told, at 11 o'clock at night, and Bull's house at the foot of Tradd street built, as you may recollect, in the water, and the last consumed, was burnt the next morning. If you have received my letter these details will not be news to you, and I accompanied that letter with the morning papers which I requested Gen. Huger to permit to pass as they contained no intelligence except of the fire. The boxes containing your wine are saved, and 5 dozen of mine, but that is all. I am thankful that the destruction has been in those things which may be replaced when one has money, rather than in the books and

pictures which are like creatures of the mind, which can not be measured or valued.

The loss is great, but I can venture to say that I don't feel it as much as you suppose. The common misfortune is so great that my own loss shrinks into insignificance in comparison with it. And we have been greatly sustained by the proof of sympathy that we daily experience. All your mother's friends have been to comfort and condole with her. The Legislature has re-elected me Commissioner on the Code with the same salary, tho' the necessity of retrenchment is very strong; and the Bank of Charleston has just voted my salary for the coming year to be paid me in advance.

But a new grief even more terrible than the loss of home and goods awaits us in the loss of my little niece Louise Porcher. James' letter which will accompany this will detail the circumstances of that sad calamity, which I suppose is inevitable. * * *

Make my grateful acknowledgements to your kind hosts, and be assured that you live in the heart of

YOUR FATHER.

TO MISS E. L. RUTLEDGE

[1861]

My dear Miss Rutledge:

Your generosity has made me rich in flowers but poor in thanks. I could hardly reconcile to myself the taking of the boxes as well as the plants, but do so, as a proof that you would not be sparing when you are giving. Have the goodness to make my acknowledgements to Mrs. Holbrook for the purple chrysanthemum, which is so great an ornament to the late season of the year, and accept the assurance of the sentiments with which, I am

Yours etc.

TO MRS. CAROLINE PETIGRU CARSON

Charleston, 31 December, 1861.

Well my dear child, I have heard from you at last. I had concluded that our countryman, Gen. Huger, had his hands so full that he had to delegate the examination of all letters to his orderly and that this respectable functionary made short work, by piling them into a waste basket. But I did him great injustice, for he sent on not only my letter but your letter to him and a copy of his answer. But what is your inquiry about gold? I expect to send you money, but certainly expect none from you.

* * * Cousin is at Flat Rock, and I am sorry to hear that 30 of William's negroes have left him for the hostile camp. Tom Coffin's 300 are said to be gone; Miss Pinckney's too. In fact the islands to the south of Charleston are desolate, and many

persons reduced from opulence to ruin. Yet I don't believe that our Northern friends will take the inhabitants away and think that many of them will return.

For me I am strong and hearty and don't find it so hard to stand reduction as many people suppose. * * *

All the pictures are saved but the "Judgment," and I still hope to recover that as it is believed it was taken out of the house. But all your books are lost; all mine that were in my bed room, and all that were in the room off the dining room shared the same fate. But it is surprising how much of Ma's odds and ends were saved.

The Legislature re-elected me to the office of digesting and remoulding the Laws, with the same salary. This is an answer to your project of emigration. * * *

YOUR PAPA.

CHAPTER L

JANUARY-APRIL, 1862

DELIVERY OF MASON AND SLIDELL; ABOUT SENDING JAMES TO NEW YORK, AND HIS EMIGRATION; MISS SALLY RUTLEDGE; GEN. R. E. LEE; LETTER TO BARNWELL RHETT; THE RIGHT TO CHANGE A BOY'S DOMICILE; ON THE WAR; LETTER TO J. J. PETTIGREW; FIRST DOLLAR TO THE CAUSE; J. J. PETTIGREW PROMOTED

TO MRS. JANE PETIGRU NORTH

Charleston, January 2, 1862.

Blessings attend the New Year to you and all of us. Though the future is very dim and no blessing to invoke so near as resignation. We need it and our need is great, but not more than our neighbors, Mr. Parker and his amiable partner (Mr. Lance's daughter), how they have suffered in the bereavement of their eldest son! And to think of Mrs. Williams who has so recently lost her mother and her husband and now her youngest son, basely murdered by a cowardly wretch that did not have the courage to look him in the face, but had the dastard confidence to brave the law. The fellow's name is Wingate. George Williams reproached him with having said that the negroes executed for the murder of Mr. Witherspoon were innocent. He denied having said so and Mr. Williams shamed him for a liar. He from revenge and months afterwards came behind him and discharged his gun at his head, scattering his brains on the floor. It is a pity they did not execute summary justice on him. He is in jail and it is to be hoped his only journey from thence will be to the gallows. * * *

YOUR BROTHER.

P. S.—The delivery of Mason and Slidell is considered a discredit to the Washington Cabinet, and, though recommended by a personal feeling for Mr. Mason, is an omen of the determination of Mr. Seward to push the war in the South.

TO MRS. CAROLINE PETIGRU CARSON FROM GEORGE L. SCHUYLER

Washington, January 6, 1862.

My dear Mrs. Carson:

I have just been reading a very pleasant letter from you

written "some time in November," from the banks of the North River. It has much to say of Charleston, and vividly recalls the sufferings of boyhood in the cause of science. I ought to have received this letter in Paris, for then I might have written you an answer, but I can not attempt one now.

I hope to finish my present business here in a few days. I will then see you in New York. I am using every exertion to ascertain the feelings of "the great and powerful" here in regard to the position of your father.

I had an interview with the President at half past ten last Saturday night—a long social sort of a talk. He in his slippers and feet on the fender—I in dress clothes from a dinner party. He spoke most cordially of your father, for I pressed upon him his appointment as judge of the Supreme Court. He said it was an excellent idea—he would think of it. I have spoken to four or five Senators—all think well of it.

But the only thing I feel confident of is this. That if your father would leave Charleston and come to this place he is sure of a warm and hearty reception, and of being offered a position which would not fail to be acceptable to him. So much for Washington—if on the other hand he prefers New York as soon as I return we will see what offer can be made to induce him to reside there.

As to yourself, I beg you to give up for the present all idea of going to Charleston. Painful as your position is, any such move would render it worse. You must give us—your friends—time to see what is best to be done, and then to do it for you. My hand is better but I do not get well as fast as usual.

Ever your friend,

G. L. SCHUYLER.

Mr. George L. Schuyler is well known as the donor of the "American Cup." The other letter of Mr. Schuyler so well shows the condition of affairs that it is placed here.

TO MRS. CAROLINE PETIGRU CARSON FROM GEORGE L. SCHUYLER

Washington, January 17th, 1862.

My dear Friend:

Last evening I had written a letter to your father, a miserable awkward affair, because his position is one which excited my feelings when I dwell upon it in thought.

My only redeeming clause was one in which I "respectfully suggested" that I loved you very much, and that "you said I might" [write to him].

I take great pleasure in telling you all this because the afore-said letter is burning before my eyes.

Angelica's letter to Mrs. Schuyler has arrived—brings good news as to your worldly prospects—better as regards your boy—and adds that your father *has accepted* a year's retaining fee from the Bank. He therefore will not leave for the present—and perhaps it is wiser not to urge it upon him just now. But if you still think best I can write my letter over again. In a few days I shall see you, and then your plans for this year can be discussed if not decided upon. I think it is rather agreeable to discuss plans for the future when we are almost certain they will be entirely upset by circumstances beyond our control. It has an air of independence at all events.

Let one thing however be concluded and put at rest ever in your thoughts—you are not to go to the South. We are struggling for existence as usual here. Washington is in a transition state in its social aspect. I find the old Washington residents are playing the part of legitimists in Paris—refuse to recognize the Lincoln dynasty and will not *show* at the receptions. Isn't this fine. Meanwhile the northern hordes creep timidly in—waiting for some one to take the lead. They have a few stately receptions and parties are at a deadlock.

This week, however, a dashing set of New York girls are here under the guidance of Mrs. Lewis Jones—a charming woman of excellent manners. These girls are some of them clever, some handsome, all well dressed—all sweep through reception rooms with an easy and graceful tread. Seemed pleased with everything and everybody, including themselves—and made a marked sensation at Mr. Lincoln's last reception. * * *

I hear much learned talk about sanitary commissions, hospitals and sympathy for the poor soldier, who without friends, etc.

A zealous and intelligent superintendent of an Alexandria hospital, well known, I presume, to Angelica, has sent to New York for musical instruments, song books, etc.

I am so much charmed with this novel idea of reducing to harmony the groans of the sick and wounded that I shall attend the first rehearsal to which the public is admitted.

How much better that a man whose leg, for instance, is being amputated instead of barbaric cries should be trained to sing the national air of "Dixie" accompanied by Mrs.—on the accordeon.

Yesterday I listened to a debate in the Senate—about giving or withholding a seat in that body to Lane of Kansas. I listened to the argument of one of the senators and thought it conclusive in Lane's favor, and committed myself by remarking to Mrs. Schuyler that he had got the better of them all,—judge of my mortification when this one proved to be Lane's bitter enemy and voted against him from beginning to end.

My time having come to hang about the departments I must bid you farewell.

My fellow sufferers in the lobbies will miss me if I stay away any longer.

My best love to the family,

As ever yours,

GEORGE L. SCHUYLER.

TO MRS. CAROLINE PETIGRU CARSON

Charleston, 18 January, 1862.

My dear Child:

* * * The thought of my emigration is foreign from all that is practicable. I should have believed it was confined to your filial breast if Detmold had not written in the same wise. If you received my last you know that I am getting 5000 a year for reducing the statute law to a code. As an emigré my best business would be beggary. * * * Your father works part of the day in St. Michael's Alley and part here in Johnston's house where he handles the statutes, and thinks of your kind friends, and deplores the fates that separates him from you, and testifies thus under his hand.

J. L. PETIGRU.

On Sunday morning, January 20, after breakfast Mr. Petigru requested his grandson James to join him on the piazza for a little conversation. After a few turns he stopped and suddenly said, "I want you to pack your trunk and go tomorrow on Mr. Trenholm's ship, as I have decided that it is your duty to go north to your mother or go to England to be educated."

The average boy of the South learned his politics from the after-dinner talks of his elders. He believed as firmly as the air he breathed in the absolute sovereignty of the State, and that South Carolina was an independent kingdom with the right to treat with any kingdom on earth. He could generally repeat his theories as readily as the most glib politician.

The home teachings of James were of a very different order. There he heard discussed the rights of the Union, so he had the disadvantage of hearing both sides. But somehow he had absorbed the spirit which filled the air, and his leaning was with the South. His feelings were divided between his affection and duty to his mother and his duty to the State. As he was well grown for his age he thought that he would forfeit his self respect by leaving the country. And holding such sentiments he was not justified in joining the friends of his mother at the North.

This he told Mr. Petigru, who stopped and looked at him in a deprecating way and said, "Well, my friend, I can venerate your sentiments but I can not respect your judgment." They then went to church.

TO MRS. CAROLINE PETIGRU CARSON

Charleston, 20 January, 1862.

My dear Child:

Your letter of the 5th gives me great concern, because I don't know how to act. James is unwilling to go unless you can give him an assurance that he will be free to come back if he wishes. I have urged him to go, and told him I would in his place embrace the opportunity with joy. Would there be any use in trying to do more? There is at this moment a fleet off the Bar, but who they are or whither bound, we know not. Long before this letter can take the benefit of the flag of truce, the news will be stale and James will be at Willington.

TO MISS SALLIE RUTLEDGE

Meeting Street, 20th January, 1862.

My dear Sally:

If I should ever forget your goodness, I would deserve to suffer cold feet all my life. I am bold to denounce this penalty, as the fitting punishment of any faithless wight, that would be guilty of such ingratitude; feeling an intimate and perfect persuasion that such ingratitude will never sully my memory. I would have come to make my acknowledgments in person, but felt poorly on Sunday and did not go out but sat and looked at my new slippers, and I must say, that, when my feet were comfortably encased in them and I thought of the nice stockings, that were in reserve for colder weather, I felt disposed to think better of the world. I request you to accept of the enclosed photographs, as a memento of one, who, if he were not a septuaginarian, would not venture to tell you how much he loves you.

J. L. PETIGRU.

General Lee, who had been assigned to the Department of Carolina and Georgia, arrived in Charleston on the 7th of November. The people were by no means happy over the assignment because they said he was "a very scientific general." Mr. Petigru, taking his grandson with him, called upon the General, who with some gentlemen was in the parlor on the second floor of the Mills House. He had a close cut iron gray

moustache and looked very different from the long-bearded patriarch shown in his pictures. He was tall, athletic, quick and graceful in his movements. His manner was that of a genial and accomplished man of the world. As an old friend he welcomed Mr. Petigru, who said, "I beg to present to you my grandson, who in after years will remember that he has had the honor of shaking the hand of so great a man as General Lee." They then spoke of his classmate, Charles Petigru. In speaking of the surrounding country he said that his horses disliked the swamp water, but they enjoyed the artesian water as well as that of the mountain streams of their native Virginia home.

TO MRS. JANE PETIGRU NORTH

Charleston, January 29, 1862.

* * * I am sorry to see that Burnside has invaded North Carolina. Yet I have hopes that Charles is in such an out of the way place as to remove him from the reach of the invader. * * * Pray see that the pully attached to oak No. 1 of the avenue is kept tight. I wish to be remembered to all the servants, distinguishing Andrew as the head man and Katy as the mother of the tribe. Not forgetting Charlotte as the head of the culinary department nor Marcus as the Tubal Cain of the community, hoping that they will continue to set a good example and that the young ones will walk in their footsteps. Wishing whatever is good to brother Jack and Tempe, I embrace the sisterhood and girls and am, dear Jane,

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, February 5, 1862.

* * * I see nothing to reconcile one to the revolution but necessity, and necessity keeps me here. Not the least potent joint of that necessity is the joining that binds me to all of you. I am not sorry that none of you share my opinions, for what would be the use of keener optics if they only served to bring to view painful sights? As for poor Caroline, her case is sad, indeed; her boys are separated, and without funds. My love to the sisterhood and nieces and friendly greetings to the nigs.

YOUR BROTHER.

TO MRS. CAROLINE PETIGRU CARSON

Charleston, 7 February, 1862.

My dear Child:

The opportunity of speaking unreservedly is so precious that I can not let pass this chance by a vessel that is going to run the blockade. Yet as I only heard of it a few minutes ago, and have to send off by 5 o'clock there is little room for expansion. James went on Wednesday night. I hope he is already at Willington; if you could have given me the assurance that he would be at liberty to return if he chose I would have been peremptory in requiring him to join you. But I hesitate to change his domicile by compulsion. It is not that my mind balances between Freedom and Slavery. So much am I a convert to Locke and Montesquieu that I am deprived of the pleasure of rejoicing in the success of my countrymen; and in their defeat at Fort McHenry I find something not absolutely disagreeable. But the right to change a boy's domicile after he is 16 unless by the Father's will, is very questionable, especially when he is so unwilling. But in addition to this there is the risk of confiscation which is not to be entirely omitted in a calculation of chances. The Southern people are perfectly mad. Even the sentiment of home, which was formerly their pride, is prostituted to the rage of party. They are not to be shamed out of anything either mean or wicked that feeds their blind animosity. In these circumstances after setting before James my opinion fully, and advising him to comply with your will, I submitted to his choice, which was most immediate, against changing his flag.

Now as to Willie his education so far is more adapted to an industrial than a classic course of exertion. He must come home of course or embark in some line there which will either provide him with present means or qualify him for embarking in some sort of business. The law offers to mediocrity of talent and industry, but slow promotion. And if you could get him into a commercial or manufacturing course of instruction I would applaud to be the best choice. I know my dear how severely you must feel separation from your children, but you must think of their benefit not of your feelings. Of the estate there is no difficulty in getting the application of everything but the capital, and that we have no right to trench upon. My resources are small, but such as they are they will be spent in your service. I have not got from Robertson yet the account you wrote for; and I have waited because I knew that all his clerks have been in camp for the last three months. They only got home yesterday and are immediately to stand another draft. Ma has been awfully sick with constant nausea. * * * The invading fleet and army lie in Port Royal Bay, and show very little enterprise, tho' they have lately made some demonstration

against Savannah. Another fleet and army have invaded North Carolina, and our friends at Scuppernong are exposed to great danger. Nobody can tell how we will come out of this war.

* * * Tom Coffin is considered as a person in decay. His negroes are with the enemy, and that is the case with a good many planters on the islands. The others are carrying their people about, or hiring them out for their clothes and victuals. And indeed the islands to the south are desolate, and the transmutation of fortune like that of the stage.

I have written to Mr. Detmold and frequently to you. Tell Linda that I hope she will continue to think of me as of the devoted father and renew to Mr. and Mrs. Blatchford and to all my friends the assurance that my sentiments are unchanged, and that I heartily wish that I had done 40 years ago, what I would do now. Let me know when you will be at the end of your tether that I may contrive funds to you. There is nothing to expect from Ball.*

Adieu, my dear child. Heaven guard and keep you to bless the sight once more of

YOUR FATHER.

TO MRS. JANE PETIGRU NORTH

Charleston, February 19, 1862.

My dear Sister:

All your letters of the 9th, 13th and 16th arrived together yesterday and the same post brought one from Johnston, at Evansport, of the 12th. He, like the rest of you, is inflamed with patriotic ardor to the boiling point. He had then only heard of what was done at Roanoke; what will be the effect of the news from Nashville is to be seen. I have thought all along that the Gulf States, Virginia and the Carolinas would establish their independence. But that Virginia would lose her western country, and I think so still. But I am afraid we have undervalued the genius of the men opposed to us. The feat which McClelland has performed in ascending the Tennessee River is as a specimen of military skill equal to anything we have done yet. He seems to be too smart for Pillow and Floyd, and I am afraid that his success will stimulate Sherman to an attempt on this place. I have conversed this morning with William Martin, (the general), whom I had not seen for a long time, and he looks for that event with considerable doubt as to the result. Poor little Carey! How I do wish that she was with you. And if the invaders hold that part of North Carolina it is, perhaps, the best thing that Charles can do. Johnston's letter creates a doubt whether William may not be among the victims of the Roanoke

*Elias Nonus Ball. He purchased "Dean Hall" in 1857.

fight. You will be relieved of the suspense sooner than I, but Heaven forbid that our fears should prove prophetic.

Allston and Adele fille left us this morning. The Governor sustains himself wonderfully considering the near prospects of ruin if the invader extends his operations to Winyah Bay. * * *

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, February 26, 1862.

* * * The Islands are depopulated and the Savannah River planters have fled from the places near Savannah. Our friends the Hugers and Kings and Allen Izard are among the number. There is, I think, a growing apprehension that this place will be assailed before the season is over, but at present Savannah is more immediately menaced. It is necessary that Mary should put on a double coat of patriotic zeal, for the cause seems to need it more and more. The honor of secession has been attended with very little personal advantage so far, and does not seem likely to do much more for us soon. Very enviable is the condition of those who are able "to grin and bear it."

TO MRS. JANE PETIGRU NORTH

46 Meeting Street, March 2, 1862.

* * * I send Sammy. * * * He is the bearer also of a cork oak. * * *

Some time since, Johnston, in one of his letters, said General Holmes wanted him made a brigadier, which he did not care about, but I see the general has carried his point and I am glad of it. * * * Everybody exclaims against the Governor's order requiring everybody to bring in their plate to be melted down. Sister says he shall not have any of hers. * * *

YOUR BROTHER.

TO MRS. CAROLINE PETIGRU CARSON

Charleston, 1 March, 1862.

My dear Child:

Yours of 10 Feby. was received two days after James left for his school, and more than a week ago I forwarded one to you from him. It is painful in the highest degree to experience in Civil War what we have read of so often without an adequate idea of the reality, and none of these afflicting incidents more cruelly would [affect] the sensitive mind than the separation of the tenderest ties of blood and friendship. Without proceeding to lengths that I could not justify I have done all I could.
* * *

William Heyward was in the battle of Fort Walker. Commanded a Regiment. Was not hurt nor taken. The alliance between the houses of Aiken and Rhett* seems fixed. I hope I have not abused beyond forgiveness the indulgence of the flag of truce. Adieu.

YOUR FATHER.

TO MRS. SUSAN PETIGRU KING

St. Michael's Alley, 6 March, 1862.

My dear Sue:

* * * The newspapers will have told you that Johnston is a General, but I can tell you, he is not. He has disagreed to the honor, and as it takes at least two to make a bargain, he is still Colonel of the 22d Regiment of North Carolina Volunteers. His reasons are not those of arrogance. He has never been in battle, don't think he has earned promotion; at all events, he doubts whether the new regiments would think so, and if they did not, he would have to prove his fitness by severe measures, and fail perhaps, in making them soldiers after all. And as there was a notion that he was peculiarly fitted to take his post in his own country, about Edenton, and he in reality knows nothing of the country or the people, he was inclined to think his appointment proceeded upon a mistake, so he declined for reasons that are not likely to injure the service by becoming popular. This will grieve his relations, but if his life is spared, it will be no disadvantage to him, perhaps, at some future day, that he was not anxious to jump at any chance of promotion. Mr. Sass, who is gone to Greenville, will probably see you and be able to tell you more about Charleston than I know. I only know that there is a good deal of dejection in people's minds, but I think the ruined Islanders bear their reverse with commendable fortitude. Perhaps they are sustained, in some degree, by the sentiment that teaches us to submit to the common lot, for, in the present times, the difference between the rich and the poor is becoming rapidly evaporated. Meeting my friend Dr. Campbell, this morning, who asked how I was doing, I answered, "growing richer every day," for as rich and poor are relative terms, when the rich are growing poor, it is pretty much the same as if the poor were growing rich. Nobody is poor when the distinction between rich and poor is destroyed. I saw Henry this morning, who is enjoying a respite, but is to go into camp next Monday. I recognize with pleasure your consideration for my eyes, which you have shown in the increased size of your writing. I wonder what sort of hand little Addy writes, for it seems to me, I have never seen her handwriting. Give my love to her and to all my

*Miss Henrietta Aiken and Mr. A. Burnet Rhett.

good friends of the royal family, and be assured of the affectionate concern of

YOUR FATHER.

TO J. JOHNSTON PETTIGREW

Charleston, Friday, 7th March, 1862.

My dear Johnston:

Yours of the 3rd certainly took me by surprise. I am afraid we shall get the character of singularity. I have got the credit of being the only man of my own way of thinking in the State, and you have done what no man but yourself was ever heard to do. I can appreciate and even sympathize with your unwillingness to accept promotion before it was earned, yet the service that you have performed, though on a field barren of laurels, was not without praise nor undeserving of honor. And considering how common such military titles have become, I don't think there would have been any reason to look upon the commission of general as disproportionate to your proper claims. There is something due to the cause in which one draws his sword and delicacy ought not to interfere with the question in what way one can promote the cause most effectually. If the offer is repeated or J. D. insists further I think you ought to accept.

It is not in North Carolina only that the South seems to be declining. *The Mercury* has thrown off all reserve and proclaims that J. D. is unfit for his place. I am myself afraid that he is but little better qualified for it than Lincoln is for his. If it was not that I think the scheme of the Northern people is *felo de se* impracticable without a reconstruction of Government quite different from the plan of 1787, I would begin to waver as to the success of Southern independence.

If McClellan can squeeze Johnston out of Manassas and Polk out of Columbus, what is to prevent the same process from being continued till they reach the Gulf? We have certainly the advantage of the enemy in spunk and spirit and the opening of the war was highly complimentary to us. But is it not this very thing that has marked the history of the French and English wars? A brilliant onset on the part of the French, terminated by loss of territory or sad reverse. And those Yankees are at bottom English, the same hard, ungracious, interested fellows that have worked their way to the highest place in material wealth and worldly advantages.

I do hope Charles and William will not be harassed by Burnside's men. The invader ought to have objects more worthy of a great and costly expedition than the pillaging of peaceful husbandmen. But at all events I hope they are not going to exhibit that imbecile resistance of setting fire to their own barns and

houses, which our folks are constantly threatening, but which they did not do when they evacuated Beaufort. * * *

Adieu. Yours in earnest,

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, March 12, 1862.

My dear Jane:

I went into Court yesterday, at the request of Nelson Mitchell, to countenance his defense of Dr. Dickson against confiscation as an alien enemy. His daughter, Jane, who is very bright, gave evidence to show that he never meant to expatriate himself and the grip of the Treasury on the property was remitted. It was sufficiently shameful that his townsmen had reported him as an alien enemy, and put everything he had, for all he had was here, upon the chance of a jury. He was easily acquitted of the charge and so was Mr. Cogsdell * * * I embrace you all and am ever your affectionate brother and Brother Jack's and Sister Jack's also.

TO MRS. CAROLINE PETIGRU CARSON

Tradd Street (Johnston Ho),
Charleston, S. C., 18 March, 1862.

My dear Carey:

* * * But alas shopping is at a low ebb; nothing but articles of necessity engage attention and they sell at ridiculous prices. It is strange that with the scarcity of money everything rises, and tho' nothing is sold but for cash the prices are such as in former times would only be asked when the chance of pay was desperate. Gen. Sherman is still at Hilton Head; he seems to have made it his headquarters, and the fleet are in and out between Edisto Island and St. Mary's. Whether this place will be attacked is the subject of great doubt in the minds of the inhabitants. Gen. Ripley is in command of this post. Evans, a fighting man and a hard drinker, is at Stono. Pemberton, a Northern man, they say is at Coosawhatchie, and Drayton near Purrysburg. Among them they must have a considerable force, and Ripley has thrown up famous works on the Neck from river to river. I don't think Sherman will attack the town unless he is strong enough to take it; and I doubt if he is. If an assault is made I suppose I must go to Summerville. Tho' I would rather capitulate if allowed to go on parole.

But the wonder of the times is the conflict between the rival destructives the *Merrimack* and the *Erickson*. It inaugurates a much greater revolution than that of which Davis is at the head, and the fears seem to be that it will render the strong still stronger and the weak, weaker still.

From North Carolina our accounts are not cheering. Poor little Carey is at Hillsborough, where in a few weeks an addition to the family is expected. Charles and William hold on to their land, and if this was a decent war, that would be the course of every proprietor not in open arms. But I am afraid it would be double danger to remain at one's plow while the enemy are at hand; for tho' the enemy might spare the barns and houses it is very doubtful whether our friends would be content with anything less than destruction. The process of destruction has been carried to great lengths on the islands. Planters in many cases have burned their cotton, and Sherman's men have lent a willing hand to complete the work of destruction. But the negroes are the source of the greatest trouble. Many persons have lost them all. Few have escaped without a share in the common lot; and those who are considered the happiest have broken up their settlements and taken the negroes elsewhere. * * * It must be confest that our secessionists stand to their colours very stoutly. Tho' they have suffered losses, which amount to the most serious reverses of fortune, they show no disposition to recant, and they still talk of State rights as the salvation of the country. How long they will endure the grinding action of poverty without repenting of their martyrdom is to be seen. They are still buoyed up with the hope of seeing their cause prevail. At first I had no doubt that the Gulf States and South Carolina would carry out their enterprize to success; at least so far as to obtain their independence of the Federal Union; but the events of the last few weeks seem to throw a doubt upon it. If all the States are as united as South Carolina in rage and passion against the union, they will not submit while they have any hope. Whether their faith will survive their hopes depends on what vanity and conceit will enable men to endure.

Our friends have been far from fortunate in their campaigns. Drayton, who lost Fort Walker, is coldly regarded. And Frasier, who evacuated Fernandina, has been hissed in public in Florida. Our cousin Johnston was appointed a Brigadier and refused to accept. Some applauded the greatness of mind that values honor only as the reward of service; and would not take promotion because he had gained no battle. But I don't think the example will be followed.

Gold is at a premium of 60, and exchange on England is 45. Poor chance to remit. * * *

YOUR FATHER.

TO MRS. JANE PETIGRU NORTH

March 19th, 1862.

* * * By the way, Susy North is to sing at the patriotic concert tomorrow night, at Hibernian Hall, and if I am well

enough I'll go, which will be the first dollar that I have given to the cause yet.

TO MRS. JANE PETIGRU NORTH

Bank of Charleston, March 26, 1862.

* * * By the way, Johnston has disappointed them that didn't think he would ever do anything like anybody else. For he has actually allowed himself to be persuaded out of his refusal of promotion. He has not written to me of his recantation, but it came to me last night in a very authentic shape. I thought it was a secret, but was told of it this morning, and don't feel bound to be so chary of the news now, inasmuch as Lewis Young's friends are all aware that Johnston has telegraphed him to join him as his aid.

* * * I look forward to our meeting in August with more pleasure than to anything else. Indeed what else can we look to with pleasure? Certainly not anything in the state of affairs in Richmond or Washington. If I can meet my engagements with the public and get off early this summer to Badwell my best wishes of those which I feel authorized to indulge will be gratified. * * * Adieu.

YOUR BROTHER.

CHAPTER LI

APRIL-JULY, 1862

COMMENTS ON THE WAR; WISHES HE HAD EMIGRATED FORTY YEARS AGO; GEN. PEMBERTON DETERMINED TO BURN THE CITY; RUMOR OF DEATH OF J. J. PETTIGREW; BATTLE OF SECESSIONVILLE; DEATH OF HIS SON-IN-LAW, HENRY C. KING; SOUTH BLEEDING AT EVERY PORE; REMOVAL TO SUMMERVILLE

TO MRS. JANE PETIGRU NORTH

Charleston, April 2, 1862.

My dear Jane:

* * * After all Johnston is a general. He has the rare credit of having refused it, and the proud consciousness that if he did take it at last it was for the sake of the service and not for his own gratification. It was pressed on him by the officers in council, when they needed another general, and a conflict was believed to be at hand. What is best in the present state of things is hard to say. I still think the South will attain its independence. Whether that is to be a gain or not is another question. I think there will be a new map and that Jeff Davis will rule over the South. But certainly the symptoms of success are not improving. On the contrary, the obstinacy of the North in holding on seems to keep pace with our determination to divide. * * *

I ought to mention that Caroline says, "My love to my dear friends, whose image I always cherish and even begin to hope we may meet again some day clothed and in our right minds." Love and salutation to you and all.

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, April 9, 1862.

* * * We heard along the road the great victory of Beauregard which, though it is not so decisive as the first account had it, really put a new face on things. But, unfortunately, nothing shows like an opening to the end. Everything, as a writer in the *Times* says, seems impossible but despotism, which must come if everything else is impossible. It is very extraordi-

nary, at least seems so to me, that money is in great plenty. True it is paper money. Gold is upwards of 60 percent; if you had a dollar in gold they would give you nearly a dollar and three quarters for it. * * *

I think Johnston was right to reconsider his refusal under the circumstances, for the brigade was without a commander and the officers in council pressed it on him. Besides a man is bound when he engages in a cause to do his best for it; and those who have the control ought to be supposed best judges of the way in which he can be most useful. * * *

I pass continually in the streets lads in uniform that look like children and my heart bleeds to think how many of them are likely to fall, not by the sword, but worse, by low company. * * *

I embrace the sisters and nieces and don't forget Jack and Tempe, and hope the nigs are all well.

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, April 16, 1862.

My dear Jane:

* * * Promotion attends us certainly. Ben has set out to join Gen. Kirby Smith, with the increased rank of lieutenant colonel.

I hope Burnside will find something better to do than hanging and worrying the peaceful husbandmen on the borders of Scuppernong. It is a pitiful business, whether we have regard to the operation itself or its influence on the great question. Though Pulaski has fallen the people of Savannah talk strongly of their defences. I don't think we shall see them this spring but next. Winter may witness a different scene here. * * *

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, April 17.

* * * Well done for little Carey! Has she not done her duty by Scuppernong—two sons and four daughters and only nine years a wife? Why, the Queen of England hardly beats her. It will gladden my heart to see her and the little troop, as I hope I will in July. * * * They may enjoy their home this year on the Waccamaw, but if there is no great change Georgetown as well and Charleston may look out for storms next winter. Indeed there is apprehension that without any descent on the city Forts Sumter and Moultrie may be reduced by iron clad gunboats, in which case the enemy may occupy the harbor without the employment of any land forces at all, and

without molesting the city, which would be their true policy, but they are not so much wiser than we as to secure them from imitating our example and acting from passion instead of reasons dictated by prudence. * * * I have received a letter from Caroline by the way of Havana and New Orleans. In terms this time not ambiguous nor elliptical she expresses her great desire to be retained in the memory of her dear aunts and cousins and to have Jem with her. It seems she tells the New Yorkers that her papa's character is portrayed in Plutarch's "Phocion." I hope the parallel will not be carried out to the ending.

TO MRS. CAROLINE PETIGRU CARSON

Charleston, 17 April, 1862.

Before I received your letter, dear Carey, of 17th ult., I had committed to a private hand, which turned out to be Jack Hamilton, a long epistle for you. Jack was so secret that I had no intimation who the obliging person that would take charge of the missive was till some time after he was gone, when Louisa told me. I suppose he has some mission to England and is trying to reach his destination by way of Nassau. Your dear letter of the 17th was a surprise; for it had been over and again reported in the papers that the flag of truce was stopped. I ventured yesterday to entrust an open letter to the same conveyance tho' they told me at the Post Office that they did not think it would pass. * * * I suppose you know by the way of Port Royal all that goes on here, and are aware that Pulaski has fallen and Savannah is threatened. I have no expectation that it will hold out or even stand a siege. But it is not believed that the invaders are in sufficient force to make a descent on this place, and in accordance with what I take to be their policy, never to fight without such an advantage on their side as to make the event almost certain. I look for them here next winter. Most heartily do I wish that I had emigrated long ago. I am living now on my pay as Redactor of the Statute law, for all law business is at a stand. The courts are not actually shut up, but no suits for the recovery of debts are allowed, nor can any civil case be tried without the consent of both parties. Scarcity has commenced. Corn is a dollar and a half to two dollars a bushel, and butter and meat at exorbitant prices. I want to get rid of at least one of the horses, but Ma will not agree to it, so we have to go along, but I fear that my 5000 will not support us through the year. We are in great uncertainty about the state of things in the West. Our accounts of the battles of the 6th and 7th of this month are very vague and contradicted in many particulars by the evidence of facts. Whether Gen. Buell is killed or wounded is even still unknown. I confess I see no indication as yet

of faltering on this side, and if the spirit of the North is as high as that of the Southerners, anarchy is more likely than peace. Plowden Weston is an instance of the violence of the distemper in men's minds. I saw him last week at Haddrells Point with his company. Dirty, haggard, and lean; he said he was enamoured of a soldier's life; had turned over a new leaf at 42, and was in for the war. The Regiment he belongs to consisting of Georgetown people and that county marched on Wednesday for Corinth but as Huntsville is occupied they will not get there. I expected to see our friend Jo Blyth among them, but his company is detained for local defence. The planters thereabouts have not been worried yet, and as the season of malaria is coming on, I begin to hope that Jo and Uncle Allston will be permitted to enjoy their homes another season. They are to summer at Plantersville. Ben is gone to Knoxville with the rank of Lieut. Colonel, which speaks well for his standing in the army. Johnston is a Brigadier. * * * Charley Porcher volunteered last fall, and is with Hampton's legion. It grieves me to meet in the streets continually beardless youths in soldier's garb; to think of the evils to which the contamination of low company is exposing the rising generation. Phil is in Savannah with something to do in our pop gun navy. * * * James is as well as ever, but I am afraid it will be hard to keep him out of camp if the war lasts till he is a man. Charles and William have escaped but they are in great dread of a hostile visit, tho' I hope Burnside has higher game to fly at. To change the key: Our cousin Adele* is engaged to Arnoldus. Her mother acknowledges it, but says the wedding is to be deferred till the war is over. If that condition be insisted on our friend, Arnoldus, may still be an old bachelor. * * * Love me Dear, as you always have been the delight of

YOUR FATHER.

Dan is a private in the Calhoun Guards; Henry is the Captain of the Sumter Guards; they are both on James Island. * * * Among the deficiencies which we have cause to feel is the badness of the pens and ink. I have written the most of this letter with something little better than a wooden pen. How those blots came on the first page is more than I can tell.

TO MRS. SUSAN PETIGRU KING

Meeting Street, 30 April, 1862.

My dear Sue:

Ma longs for Summerville, and we will set about moving next week, tho' for myself, I have as little inclination for it as you

*Adele Allston—Arnoldus Vanderhorst.

have. Neither will we feel altogether safe there if the invaders make an attempt on Charleston. We do not expect that, however, and as they seem in no hurry to occupy Savannah, I dare say they will wait till next winter for an assault on this place. Perhaps, in the meantime, we may have a treaty of peace, which would be very welcome to me, even if it did not concede all that Mr. Yancy or Mr. Rhett would demand. Nor am I without hopes that the rival claims of the North-West and the South-West to the Mississippi River may be adjusted more easily after the enemy are in possession of the forts. * * *

YOUR PARENT.

TO WILLIAM ELLIOTT

Charleston, 6 May, 1862.

My dear Elliott:

The Doctor and I, loaded with the proofs of your generous larder, made our way on Thursday to the town, without meeting with any mishap. Discussing all the while, at intervals, the liberal hospitality of the master of the mansion we had left, the mild dignity of the Lady, the ready wit of Miss Elliott and Emily with occasional interjections of dissatisfaction with Jeff Davis, for neglecting the merits of the General,* enlivened, now and then, with recollections of Ralph's† soldierly narrative. I hope that the current has continued unruffled by any further aggression of the Enemy and that you have had no new opportunity of displaying greatness of mind, by meeting the trials of fortune with a resolute cheerfulness. It was not till yesterday that I could see Ripley and tell him of your suggestion. He received it with a good grace; assured me that, his views concurred with you; that he meant to secure the magazine with an exterior covering of Palmetto and heartily wished that he could plank in the whole wall of the Fort, 10 feet deep with it. But, unless they were to tear up the wharfs, I don't see how he could procure the material in sufficient quantity. I saw Gen. Pemberton on Saturday; called on him with Chancellor Dunkin and Judge Withers. He professed his determination to defend the City to the last extremity, even if Sumter and Moultrie fell, and thought it better to make a ruin of Charleston than let the Yankees sleep in it. To this opinion I modestly dissented. The life of a city is not to be thrown away for a conceit. And what better than mere egotism is it, to expose the innocent inhabitants to the rage of the conqueror, merely to stick a feather in a General's cap as a fighting man. To defend a position, that is indefensible, at the risk of drawing down vengeance upon the inhabitants, is con-

*General Gonzales, who had married Ernie Elliott.

†Ralph Elliott, son of Mr. Wm. Elliott.

demned by the military code. He said nobody could know whether a place were indefensible, till it was tried, and I remarked that the responsibility rested with the commander. He never took his cigar out of his mouth, the whole time, and looked earnest. It seems certain that Charleston will fall. The powers of attack have advanced, it seems, faster than those of defence, and everybody expects the Yankees will take Fort Sumter, when they are ready. The hour is evidently approaching when peace will be welcomed on moderate terms, but it has not come. Present my cordial civilities to all your pleasing and accomplished house, and believe me, my dear Elliott,

Yours truly,

J. L. PETIGRU.

TO MRS. SUSAN PETIGRU KING

Charleston, 10 May, 1862.

My dear child:

Yours of the 16th surprised us all for it bore the Norfolk Post Office stamp, and had certainly been read, for within James', which accompanied it, was a memorandum that no postage stamp had been in it. I dare not trust the Norfolk route with this, as there is no probability that a battle and a flag of truce can be reconciled. This happens to be my birthday, and it will be more memorable hereafter than it is, if it be true as we are told, that McClellan and Jo. Johnston are this day measuring swords, somewhere about Chickahominy Swamp. War has been generally considered the game of Kings, and much good indignation, both prose and verse, has been poured on royal heads for indulging in such cruel sport. But it is now clear that Demos is fully as much addicted to that sort of dissipation as royalty itself. I deplore the personal and individual misery which the effusion of blood today, in Virginia and Mississippi, will bring to pass. But the pulse of the people is still so high as to call for more bleeding, before quinine can be administered with any hope of benefit. We have a Northern man here of the name of Pemberton, who boasts that he will defend the city to the last extremity, which means I suppose that he will force the enemy to bombard it. Since the experience of Pulaski and the Mississippi Forts, people have lost all confidence in Sumter. Pemberton and Ripley seem to place no reliance on it; and the carts and cars are going all day long up King and Meeting Streets carrying men, women and children to the rail road. We will move to Summerville on Friday the 16th. Our silver and yours has been in Columbia for months. When we leave Mad. Togno's I intend to move the pictures, because I do not expect to occupy the house again, but I intend to leave the office as it is. Ma has much improved of late, but is impatient to get away. For a wonder nobody has

yet denounced the Major [Lowndes]. But Mrs. Van Buren has been on the confiscation docket for months. I inquired and found she was undefended; so acting on the fact you mentioned I went to Columbia last Wednesday; procured copies of the papers and prepared to intervene for her. The trial will not come on for some months, and I think she has a good case, unless the S. C. can produce proof that Major V. B. has contributed to the war. If he has, he would hardly be so indiscreet as to give the accusers the opportunity of proving it. In the reorganization under the conscription law, William C. Hetward was thrown out by the vote of the Regiment. It is the same with almost every officer whom we know. Jo Blyth for one; James Lowndes for another; John DeSaussure and a host of others. If I get a chance I will tell William that he ought to write to his mother, and take the chance (to which I will commit this) to one of Mr. Trencholme's ships bound to Nassau, or to Liverpool.

Mrs. Holbrook's health is very poor. I always take pleasure in delivering your messages to her. Jack Middleton is on Gen. Drayton's staff. James Lowndes, poor fellow, is trying to raise another company; seems infatuated with the war. * * * Johnston is probably in the action and I shudder to think what may be our next news of him. He don't keep a trumpeter, and never blows himself. If he is disgusted he is convinced that a man to be anything in these days must be a military man. * * *

TO MRS. S. C. WILLIAMS

Charleston, May 13, 1862.

My dear Madam:

If you had known that I told Col. Moses in Columbia, last Wednesday, just after the Court had delivered their judgment in Wingate's appeal, that I was much inclined to get a petition to the Governor to hang him, you would not have confined yourself to the claims of your father and your husband upon my zeal. There is, it is true, no claim stronger on my feelings than the memory of those excellent men, models of every virtue that elevates and improves society. Nor do I conceive that anything is more fitting than the detestation, which an odious crime provokes on the part of every good man. But as I said to Col. Moses, I was only restrained from petitioning the Governor not to pardon, by the general rule that one should hear both sides before he takes a part. But this will not prevent me from espousing your cause with the Governor, to whom I am writing by this post. I don't think that anybody can put the matter in a more affecting and convincing manner than you have done. I will endorse a copy of your letter to the Governor. I send a copy instead of the original on account of one sentence, which would be wounding to his self-love, as it implies that the public

do not give him credit for a strong will. My dear Mrs. Williams, I have often thought of your severe trials; afflictions from the hand of God, that are hard to bear, and injuries from the hand of man, which surpass the measure of forgiveness.* I believe that you are sustained by all the consolations of a good conscience but the wounds inflicted must long continue to bleed notwithstanding all that religion and reason may say. Nor can it avail much, in such circumstances, to know that you are attended by the sympathy of every heart that knows how to feel for human suffering. But, if this base murderer should be allowed to go at large, it would be a new crime, at the expense, not only of your feelings, but of those of the public, which would be outraged by such a contempt of justice. I have a better opinion of Mr. Pickens than to believe that he can be so derelict to the moral sentiment of a civilized people, and will write to him very plainly, with all the confidence inspired by an honest indignation against a dastardly murder. Accept, my dear Madam, the assurance of my hearty sympathy in your sorrows and my veneration for the memory of those most nearly related to you and endeared to me by the ties of friendship.

TO COUNT DE CHOISEUL

St. Michael's Alley, 20 May, 1862.

My dear Sir:

I would be very glad to procure for a letter for my daughter the safe guard of your protection; but am in doubt whether it would be regular for you to take charge of a private letter. If you would have the goodness to say by a line whether you could undertake to receive a communication in writing for her I would commit it to your care with the assurances that it contains nothing but the commonplaces as the affectionate intercourse of parent and child will suggest, and no intelligence but family news. If, as I fear, the strictness of belligerent politeness will admit of no accommodation to private correspondence through the medium of a neutral then I beg you in case you fall in with her in New York to let Mrs. Carson know that her son is well, and his conduct satisfactory; that her Mama and I move today to Summerville, and her Aunt Harriette tomorrow to Spartanburg. That her cousin little Carey with her sixth baby is expected at Cherry Hill the first week in next month, under the escort of Mary Blount her sister-in-law, who has been emulating the example of the Sisters of Charity in the Hospital at Petersburg. That Mrs. Allston is still undetermined where she is to go this summer, tho' the present aspect of things seems to favor the probability that the Governor and she will take

*See letter of January 2, 1862.

refuge in a log cabin at Plantersville. Tho' she is anxious to transfer the scene to China Grove. That the fighting members are at their posts. Johnston between Williamsburg and Richmond; Ben near Knoxville; Phil in some creek near Savannah, and poor Charley somewhere in the ranks and her brother on the sick list in Charleston. * * *

And you may add if you please, that Gen. Pemberton threatens to make a heroic stand at Charleston; and that the most judicious critics begin to suspect that we are going to be soundly thrashed. My dear Count, I do not expect you to remember the one-half of these things, nor even the one-half of that; but if you would condescend to transmit this very uninteresting letter to her, the law would not for the first time allow that to be done indirectly which can not be done directly. Her address is 6 East Fourteenth Street, New York (Mrs. Carson). With my hearty respects to the Countess, and for sincere vows for your voyage that it may be fair and safe, and with the indelible impression of all the good and estimable qualities that have made you deservedly dear to the people of Charleston, I am, my dear Count,

Yours truly,

J. L. PETIGRU.

TO MRS. S. C. WILLIAMS

Charleston, 4 June, 1862.

My dear Madam:

Gov. Pickens has answered the letter which I told you I had written to him, at the same time that I sent him a copy of yours. His answer is quite satisfactory, although he says nothing about the removal of the prisoner, which, indeed, seems scarcely to fall within his province, unless an order were made to that effect by the Judiciary. He says, "Please say to Mrs. Williams that I never have received any application whatever for the pardon of Wingate. It has never been intimated to me that a petition would be sent. I have received several letters against the pardon but none for it. I desire her to know this, as she seems to be under the impression that I am pressed by such applications. She may rest assured that if ever any such application be made to me nothing but the report of the Judge with his notes of evidence shall govern my mind in the slightest degree. No standing nor connexions, however high, shall ever screen him from law and justice." With such sentiments I think the Governor holds out to Wingate no prospect but the alternative between suicide or a public execution. My heart has bled for you, when I reflected on the many trials you have sustained in the nearest and tenderest relations. I now bleed for a cause that comes home to myself. My near and dear friend and relation Gen. Pettigrew has fallen a victim to this war of ambition and wounded vanity. It is true that

his fate is not aggravated by the abhorrence that attends a base assassination, but, though he sleeps in the bed of honor, it is a melancholy reflexion, that he has fallen in a fraternal conflict. With the highest consideration, I am dear Madam,

Your hereditary friend,

P. S.—The Governor's letter is dated 20th May. My engagements at Summerville, where I have a task that prevents from coming to town more than once a week, is the cause of much delay.

TO MRS. JANE PETIGRU NORTH

Summerville, June 4, 1862.

Ah, my dear Jane, has not the war come home to us? If forethought or anticipation could prepare us for the evil I would have borne this most cruel blow with fortitude, for from the time he left us, and especially since late events, I never expected to see Johnston again. I have said so repeatedly, yet when the dread blow came, I have found it too much for me.* It seems to be the will of heaven that our family should never rise. Your Albert and mine, and poor Charles, and now Johnston, the brightest and strongest of them all. And then our Tom whose manly firmness was equal to all trials, and his son whose youth gave the fairest promise of a character that would be a blessing to his family, are all taken, and you are all left with hardly anybody but me, a poor old man. But let us be resigned and make no parade of our grief. He sleeps on the bed of honor, and though the world will never know his worth, his name will stand above reproach. I got the intelligence on Monday. I am going to town to-day, and will finish my letter when I have learned more particulars; for the reports are very inconsistent. That he was left in the battle, and that Longstreet had gained a victory seem to be contradictions which I can not understand.

Charleston: I have seen a great many persons today, all expressing the highest admiration for our departed friend, and greatest sympathy with us. Governor Pickens telegraphed to communicate the event. I send you this despatch; unfortunately it throws no light on the uncertainty of the story. The idea that the Virginians were driving the enemy before them is the tale of a sanguine man. There is but too much reason to believe that the next authentic news will be that Johnston has evacuated Richmond.

Pemberton continues to make a display of his intention to defend the city to the last extremity. I have no objection to that, but I do object to the wicked threats to reduce the town to

*The rumor of Gen. Pettigrew's death proved false.

ashes. It seems that some of Izard Middleton's friends have burnt his mill. Without impugning the valor of our men I am sorry to say that many of them don't seem to know how near desperation and cowardice are to one another. The men who call for the mountains to fall and cover them are not the champions for people to rely on. The enemy have effected a landing on James Island, and people seem to think that they meditate an assault on the town. I do not think so for they are not in sufficient force to make such an enterprise profitable. * * *

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, June 11, 1862.

My dear Jane:

I have received no letter from you today, but I have seen yours of the 7th and 10th to Joe. Have we not reason to be grateful to the Divine mercy that Johnston is spared? Tho' his wound is severe I don't believe it is as painful as his imprisonment, but I have passed from the extreme of despondency to that of hope, and take it for granted that his wound will heal and that his friends at the North, where he has at least one very strong one, will soon obtain his release, or at least his parole. Instead of losing we have found a cousin in the Rev. William I. Pettigrew. I enclose a copy of his letter received today, thinking it will be more interesting than anything I can say. The strange part is that he has been so long in Richmond, and without our hearing of him, for he is evidently an educated man of great respectability.

The enemy have landed in great force on James Island. There was a great deal of fighting yesterday, and they say that one of our Georgia regiments is very badly cut up.

With great haste and love without bounds, I am, dear Sis, for you and all the tribe, as ever devotedly,

YOUR BROTHER.

TO MRS. SUSAN PETIGRU KING

Charleston, 18 June, 1862.

My dear Child:

Events have thickened very fast upon us since I saw the Count de Choiseul and put in his hands a letter which he will show you or make the contents known; I hope he has done so. That was the 28th May. On the third of June I received the most distressing news, and from that to the 7th mourned Johnston as dead. Then came the correction that he was not dead but a prisoner. It was most unexpected for Lewis Gourdine's telegram had stated that he was left dead on the field of battle. After the

correction I received a letter from Lewis dated the 3d, but not mailed till the 7th, which gave such account by the fellows who pretended to have seen him last as to leave hardly a doubt (indeed no doubt if they were believed) that he was then dying or actually dead. It was of course great joy to learn that they were mistaken; but the next news was that Minnie's second daughter died 4 days after the third daughter came into the world. Then followed a visit from Captain Corrie bringing in poor Dan, with an ulcer in his throat, thoroughly salivated, and as weak as a chicken. And last of all yesterday morning I heard that poor Henry had been mortally wounded the day before at Secessionville. I hurried as soon as I could to town, and was in time to see him alive, receive the last squeeze of his hand and hear his last accents, which were to call to mind his wife and child. He bore his sufferings heroically, and among his last words was a pious expression of hope and resignation. He was shot with a minnie ball in the left breast and the ball passed through his body. His funeral takes place this afternoon at 4 o'clock.

Very dismal is the state of things. I do not see any abatement of the rage with which the Southern people entered into the war. They suffer dreadfully. Their soldiers are badly clothed, and often have to sleep on the bare ground, and their subsistence and pay precarious; yet as far as those about here and near Richmond are concerned, there seems no decline of spirits. It is to be confessed however that in the West, symptoms of disaffection are said to be prevalent. It would appear therefore that more blood, a great deal more, must be spilled before the pulse of the people comes down to a reasonable temperature.

In the meantime my thoughts are occupied about Johnston. He will chafe dreadfully under the restrictions of a prisoner; and if his wounds are cured, as I hope they will be, his impatience will probably increase with the return of his strength. I hope it may be in your power to alleviate his sufferings, so far at least as sympathy is a remedy. I wish you had influence to effect his discharge on parole till exchanged. There would be no danger that he would ever incur the imputation of keeping his word loosely; much less of anything like a violation of what honor requires. I suppose you can ascertain where he is, and get leave to write to him. But I know nothing of him except what the papers mention and am perfectly ignorant of his whereabouts. While we all thought him dead a very handsome obituary notice of him was published in the *Courier*, which is said to be from the pen of Judge Magrath.

James' letters give me a great deal of comfort, as they discover an evident progress in his way of thinking as well as in his handwriting. But I am sorry that he has not sent me any letter for you since that which you acknowledged.

I received a letter last week from Mr. Guillou in Philadelphia desiring me to inform Mad. Togno of her mother's death. How it passed the barrier I do not know, and since the Southerners have evacuated Norfolk I have no idea where the flag of truce is to be found. This is written in the hope that Fraser and Company will forward by the next vessel that runs the blockade, either to Nassau or to England; any way it will be a long time before you get it, and God knows what may turn up in the meantime. The check the invaders received on Monday furnishes but little ground for supposing that Charleston will escape capture. I have not removed my books from the office. Those saved from the fire on 11th December are at Summerville; but I don't know what to do with my law books if I should move them, and am inclined to trust to the forbearance of those that I still consider countrymen, to spare them from wanton destruction without moving them at all, tho' constantly importuned to do so. * * *

YOUR FATHER.

TO MRS. JANE PETIGRU NORTH

Charleston, 18th June, 1862.

My dear Sister:

It is with a heavy heart I put pen to paper: Henry King is no more. He was shot in the fight at Secessionville on Monday and died yesterday at half past five. I arrived in George Street in time to bid him farewell; he died nobly. His reason was clear to the last. His last words were of his wife and daughter, whom he commended particularly to Mack and me, and of a pious resignation to the will of God. No person could manifest a firmer mind or a kinder nature from the time of receiving his death wound, of which he was fully sensible, and in the battle he conducted himself with all the coolness and courage of a true soldier. His funeral takes place at the Scotch Church. Poor Mr. Forrest has been in Winnsborough and was summoned home by the family of Mr. Greer, one of his congregation who fell in the same action. He is the son of the Bookseller, and Mr. Forrest was very much attached to him. The war begins to make itself felt very near us, but I am afraid, a great deal of blood must flow yet, before the pulse of the people is so far subdued as to make peace probable. I have no further intelligence of Johnston; I don't believe a word about this writing a letter about his wanting to be exchanged. He was not likely to write to anyone at Richmond but Lewis Young, who would not have failed to give us the intelligence, and I don't think he would let any stranger into his confidence so far as to tell him any such thing. Yet I have no doubt he ardently desires it, and I do hope that he will be first paroled and then exchanged, and if his cousin Caroline can effect it, I have no doubt he will be. A friend of mine has just said to me

that the Western States will be the people to stop this war, and I am very much struck by the idea. If they are going to do it, I wish they would begin soon, for you may depend on it, we are bleeding at every pore. I have no doubt that you wrote on Friday, but my stupid clerk, though he knew I was to be here today, sent my letters by mail this morning to Summerville. It is a great inconvenience that your outward mail goes a few hours before the other arrives; today as well as last Wednesday I have been placed in the same situation. Poor Mrs. Parker is one of the sufferers and must be overwhelmed with grief; her son is among the lists of those killed in the battle, and among our acquaintances, there are none whom I more regret than John Edwards, who is also among the slain. I wrote a brief letter of congratulation to the Rev. W. J. P. and have sent him Johnston's book. There have been great rains and it has not cleared off yet. I am afraid your creek bottoms will drown, but it is good for the trees, and let us be thankful as well for small blessings, as for escape from great evils. I embrace you all with the affection of a true brother and uncle and grandpapa.

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Charleston, June 20, 1862.

My dear Jane:

* * * You will observe something in Carey's* letter about money to be paid. I suppose you hardly believe that it requires now two for one to pay a debt abroad. The same thing takes place at home. I suppose you have noticed the high price of negroes? People are glad to get off paper money for anything that has intrinsic value, even if worth very little. Father used to tell of times when they gave \$100 for a drink of grog. We may see something nearly the same before we are done. I hardly think the invaders will assault the city this summer. They have met with a stubborn resistance on James Island and are more disposed to guard what they have than to attempt new conquests. Adieu.

J. L. P.

TO MRS. JANE PETIGRU NORTH

Summerville, June 28, 1862.

Behold us installed at Summerville, not, however, without a smart quarrel with the agent of the railroad. A fool of a clerk in dispatching our baggage and movables, which filled a car, sets down on the waybill that the contents were for Mrs. Petigru and

*Mrs. Caroline Petigru Carson.

not to be delivered till paid for. This was Tuesday morning, the 20th, and we, who followed at 2 p. m. the same day in the passenger train, would have found an empty house, without any comfort at all, if Sandy out of his small stock had not advanced the money. This came to my knowledge afterwards and my first emotion was anger against old Prescott, the agent here, and, unluckily, when I met him next he came up to tell me that he had been on the point of thrashing Sandy for impudence, because he had it from good authority that Sandy had inquired for him by the name of "Old Prescott"! I told him it was lucky he had gone no further, for if he had thrashed Sandy I would have certainly thrashed him; a remark which he did not like, but had to put up with. But I did not recollect at the time the change that years had made since I was in the habit of promptly correcting the freedom of impertinence.

James Louis Petigru

CHAPTER LII

JULY-SEPTEMBER, 1862

COMMENTS ON McCLELLAN AND THE WAR; W
"JOHNSTON A GENIUS"

TO MRS. JANE PETIGRU NOR

Charles

My dear Jane:

* * * In your letter I am very glad t
also of the wheat, better news than I expec
persist in saying the wheat crop is ruined ir
can not but say that it is also pleasant to fir
ting more patriotic as the war proceeds; for
have the wind fair, and to participate in th
it insures sympathy. It is also a great thing
rejoicing instead of that of mourning to s
Southerners have reason to rejoice over the
Wonderful does it seem that McClellan shou
to be whipped, and that he should be for da
fighting. Somebody said that O'Connell
great secret of rebellion, viz: "Not to rebe
McClellan has organized a new tactic upon t
the most dangerous way of fighting is not t
joke to think of a man that has been hidden
ments endeavoring to elude his adversary b
in the open field.

The most authentic account we have o
enclosed, which will no doubt be as agreeabl
us. There is a complaint, however, that J
fined, while various Yankees are admitted
parole. If our Government is sufficiently
doubt the grounds of their complaints

* * *

TO MRS. JANE PETIGRU NO

Charles

* * * There is a great deal of good
about the increased respect which hard figh
combatants. But there is no need of confi
sion that will be made in France and Engla

hold good as to the combatants themselves. They will begin to feel a good deal of respect for one another after a few such fights as Fair Oaks and Chickahominy. Happy will it be if the mixed conditions of the battles should lead both parties to the conclusion that Heaven stands neuter in the contest. It does not, surely, require such torrents of blood to satisfy any reasonable man that nothing can be a more impious presumption than for either side to think themselves entitled to count the Almighty as an ally in such pitiful display of human passion. * * *

It is gratifying to see that in the midst of all his vexation and suffering he [Johnston Pettigrew] bore himself so courteously, and with such self-possession, without growling or sulkiness. And it is not less gratifying to receive such assurances confirming the opinion that the danger from his wounds is over * * * There has been an explosion at Fort Moultrie, and poor Tom Wagner is said to be fatally injured, not expected to survive the day.

TO MRS. JANE PETIGRU NORTH

Charleston, July 23, 1862.

My dear Jane:

Your letter of 17th was safely received by Joe. I have seen him today, and find he has got part of his company and will certainly get the rest if Gen. Pemberton does not change his mind, a contingency not entirely to be neglected in any calculation in which he is concerned. I have made up my mind to break ground on Friday, the 1st day of August. On that day, therefore, I wish you would have a conveyance dispatched to Mackey's to meet me on Saturday.

The troops, Federal and Confederate, have been and are in motion from the southward to Virginia. It is said that 10,000 men have sailed from Hilton Head to reinforce McClellan and as many from this neighborhood to strengthen Gen. Lee. Charleston, therefore, is not menaced any longer by the invaders and bloody work is likely to set in on James River. The talk of interference is nonsense at least for the present. The combatants are in no humor yet to abate one tittle of their several demands and of course there is no chance for any third party to intervene with the least success. I am delighted at the prospect of seeing you once more and as the enemy has retired sister no longer makes the resistance that she did to my furlough. Hoping to embrace you all, and that soon, I am, my dear sister, as affectionately as ever

YOUR BROTHER.

TO MRS. SUSAN PETIGRU KING

Badwell, 25 August, 1862.

My dear Sue:

* * * As to Johnston, he has returned to camp with his right arm still helpless from the wound in the shoulder. One would have thought he had had a taste of powder and ball that would have reconciled him to a quiet life, at least till his wounds were healed, but there is no hopes for genius * * *

YOUR PARENT.

About Johnston Pettigrew Mr. Petigru once laughed and said: "The fact is our friend Johnston is a genius, but I fear he will never make an advocate. No one can detect the legal points of a case quicker than he, but he must have equity, justice, law and morality all on his side before he will take a case. He will never make an advocate."

CHAPTER LIII

OCTOBER-DECEMBER, 1862.

EPOCH OF HIS LIFE; INTERPRETATION OF HISTORY; DEFENDING A FREE NEGRO; DISCHARGE OF ELKINS HELD CONTRARY TO CONFEDERATE ACT; SCARCITY OF SALT; "THE AVENUE THE ONLY CHANCE OF GOING DOWN TO POSTERITY"; HAS NOT CHANGED HIS VIEWS; THE CODE FINISHED; MESSAGE SENT THROUGH LIEUT. DIDIER, H. I. M. SHIP MILAN

TO MRS. CAROLINE PETIGRU CARSON

Summerville, 14 October, 1862.

This day, my dear Carey, marks an important epoch in my life. This day 58 years ago I was received into the school at Willington, to which I was conducted by my poor Uncle Jo, where a Latin grammar, a substitute for the plow, was placed in my hand. Of those who then formed the busy occupants of Dr. Waddil's hive, the only survivors that I know are Lewis Gilmer and Alexander Bowie, both in Alabama. Time has effected many changes; the chapter of accidents has contained many sad stories, and the last and saddest the Revolution now in progress. * * *

Johnston has recovered so far as to be placed on duty at Petersburg, but chafes under the sense of inactivity. He will not in his letters mention himself; and so we are all puzzled to decide from his letters whether he still writes with his left hand.

YOUR FATHER.

Major Lowndes' case* is to come off on Friday, and will I hope have such a result as to relieve his mind.

TO J. JOHNSTON PETTIGREW

Summerville, October 21, 1862.

My dear Johnston:

I received gladly yours of the 10th inst. What you say about James Carson has great weight and will influence my opinion on the subject of the visit to New York. But I dare not wound his mother's feelings to the extent of recommending him to take up

*This was the last case in which Mr. Petigru ever appeared in court. Being overheated, on leaving the courthouse he took a violent cold from which he never recovered.

James Louis Petigru

arms under the Confederate Flag. I was read the other day and his remarks about the p Courts influenced by the passions or whim of t than by the interests of the country made a on me. We used to think that it was the vice with reference to their own fancy and inclinati material happiness or true interests of their p the South has achieved its independence, as I will, how will history treat secession—as a thralldom or as an instance of popular pass regard for the permanent interests of the cou that you say nothing about volunteering for with the loss of rank. And I am also very g again with the hand which mankind unite : right hand. I would that in some other : extend the vigor of the right hand. A person mind ought to look down with an equal eye on of men and their prejudices. It is very well soldier to despise his enemy, for probably he h for fighting than that he hates him. But w and I) despise the Yankees? Is it because t people that we admit are fellow-citizens i working in wood or metals?—in architecture c in the useful arts or in literature? Your fath and your grandfather, as well as I. They w well as I. Certainly there were ten Federa to one at the South, and, even including New find more brethren in the North than at hor we are fighting the Yankees, not from perso an opinion that it is the true interest of th separate Government. At least I am willi Rhett and Yancey, Mason and Wigfall thou that opinion was the result of sound reason will judge. Perhaps the regard which the N old flag is a superstition, but it is the same sort has led men to shed their blood for a fallen d think it is visited with contempt by posterity is plenty of brutality in the march of the I hostile country. What else could be expecte guaranty that an officer is a gentleman? B you were to listen to the exploits of Black Islands, you would find that the Yankees wer monopoly of blackguards.

I have been laid up with a bad cold. Y delighted with your letter and takes no shar which is no proof of any diminution in the with which you are regarded by your kinsm :

TO MRS. JANE PETIGRU NORTH

Summerville, November 13, 1862.

My dear Sister:

I was in town yesterday and ought to have written this letter there; but I was called off to attend a free negro who is being tried for his life; and you know that the Apostle says that the greatest of these three is charity. So, while giving myself to the charity case I let the opportunity of inditing a letter to you slip. This prelude may assure you that I am better, for if my cough had been as bad as it was I would not have ventured to move.

* * *

The low country is annoyed beyond measure by steps necessary to secure the negroes that are left, but a fragment at best.

* * *

TO MRS. JANE PETIGRU NORTH

Summerville, November 22, 1862.

I wrote, my dear Jane, on Thursday. I had barely put the letter in the hands of the Summerville postmaster when Elkins accosted me. It was so unexpected I hardly knew him. A long discussion followed between Capt. Hearst and me on the legality of taking him. I relying on the Confederate Act of October, 1862, he on DeSaussure's instructions. I reflected on the question whether to run the risk of resisting as far as force, but for Hearst's sake as well as Elkins, I concluded not to push things to that extremity. I went to town yesterday, but the colonel (Bacon) was not there, and nobody to appeal to for the discharge of Elkins, who was gone to Pocatigo. As far as I can understand DeSaussure's order, this is a thing done by the Governor and council, and they affect to be above the Confederate Act and not bound by it. But whether the authority of the Confederate Act is denied, or whether it is meant to vest in the colonel of the regiment exclusively the power of deciding whether any person claiming exemption is entitled I do not know. I will be in Columbia on Monday, and will see the official people, Pickens, Chesnut, DeSaussure, and will have Elkins discharged or know the reason why; and will at the same time take in hand Rosenwick's case as a subject of the Grand Duke of Baden, not liable to be impressed into a war with which he has nothing to do. At the depot I saw too, our cousin George, son of George, who was the son of John, who was our father's brother. This George has the look and bearing of an honest, independent yeoman. He was warmly clad in home-made clothes, and said he had his knapsack full. That he was very sorry to have to leave his farm, wife and nine children, and seventeen negroes. I was favorably impressed by him.

In Charleston yesterday I had the satisfaction to get from the

provost an assurance that he would report favorably of poor Jacob Drayton, a negro, who lost his sloop, captured by Lieut. Conroy, and whom they wanted to hang, though guilty of nothing but refusing to go with the Yankees to Hilton Head. I have a letter from Johnston dated the 19th inst. brought by Louis Young. He had seen Charles in the recent expedition of his brigade to Tarboro. He gives but a doleful account of the state of the country about the lake where the "Buffaloes"* are committing many outrages. Johnston had returned to Petersburg, Foster having retired. He thinks Lincoln our only ally among the foreigners, and he aids the cause by his proclamation and the bad behaviour of his generals. * * * I embrace you all with the love of

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

Summerville, November 29, 1862.

My dear Jane:

I got your letter of the 13th last evening. I wrote yesterday in town, but though nothing has transpired since in this quarter to speak of, there is something to say as to the contents of yours. Elkins is exempt. The Act of October 10, 1862, among other things contains the following exemption from all military service in the armies of the Confederate States, viz: "one person as agent, owner or overseer on each plantation of twenty negroes and on which there is no white male adult not liable to military service."

This is enough, but the act adds, "And furthermore, for additional police for every twenty negroes on two or more plantations, within five miles of each other, and not having less than twenty negroes in gross, on which there is no white male adult, not liable to military duty, one person; being the oldest of the overseers or owners on such plantations."

You come within the first clause, which is much more intelligible and plain than the other and puts an end to all doubts. So I hope Elkins will cease to be disturbed by the jeers or gibes of them who would be glad to see him marched off to the camp of instruction. And you may as well give him a copy of the clause to show those that may be seriously or honestly in doubt about it. * * *

Next week I will be in Columbia unless detained here by the case of a poor negro whom they seem disposed to hang because he refused to go with the Yankees when they took away his rifle and was by them sent on shore.

*The "Buffaloes" were always a set of lawless ruffians, and during the war they opposed both the North and the South, and carried either flag as suited their purpose.

The car for the accommodation of Summerville leaves at a quarter after seven in the morning. This makes it necessary to be up at 5 and in cold weather is very disagreeable. It makes me feel more than ever the want of my house.

It is my purpose at present to build in Summerville something as cheap as I can, but that will be a summer accommodation only. I shall never be able to rebuild on Broad Street. They have pulled down all the houses on the front beach at the cove, mine among them, and all the books and furniture in it have entirely disappeared. They appraised the houses before they pulled them down, but I have little hope of ever getting anything.

* * * I embrace you all, and am

YOUR CONSTANT BROTHER.

When he entered the night train at Summerville on his way to Columbia all the sleeping chairs in the car were occupied. However, a young man, Leroy F. Youman,* gave him a seat and the lawyers crowded around as usual to hear him talk. He had a violent cold and cough and was evidently much indisposed. Mr. Yeadon began to ply him with questions, to which, in a weary way, he would answer "I don't know," or "I do not recollect." Finally Mr. Yeadon said, "Mr. Petigru, don't you remember on a certain occasion when I spoke you congratulated me and told me I had made a capital speech?" He then roused up and said, "Now I distinctly recollect. Yeadon, on no occasion did I ever tell you that, nor did I ever hear you make a capital speech." The audience laughed and Mr. Yeadon retired.

TO MRS. JANE PETIGRU NORTH

Summerville, December 15, 1862.

* * * I have received no less than three letters from Caroline. Her mind is greatly disturbed and she not only wishes James to go to her but wishes it most strongly and urgently. But James will not go. He is certainly controlled by the public sentiment of the State and I will not attempt to argue him out of his prejudices. Only so far I will go as to enforce, as far as I am able, the precept that in a civil war a good man may refuse to draw his sword.

I am balancing between Athens and Chapel Hill as a college for James in January. In Charleston or Columbia he would be sure to be snapped up as a conscript if he did not anticipate his doom by volunteering. In Athens I thought with pleasure on

*He was afterwards Attorney-General.

the attention he would receive from T. R. R. Cobb, my friend.
But alas! poor Cobb has fallen on the Rappahannock. * * *

YOUR BROTHER.

TO MRS. CAROLINE PETIGRU CARSON

Charleston, 16 December, 1862.

My dear Caroline:

It grieves me to witness your grief portrayed in those letters which I read with avidity, and deplore my inability to remove the causes of your unhappiness. Let it be your consolation as it is mine that these things have happened, by no fault nor negligence of ours. We can not control events and I am fain to be thankful that we can control James so far as to prevent him from running headlong into the bloody fray. He bends a listening ear to my precept that in a civil war no man's honor can be reproached for refusing to draw his sword. I am inquiring at Athens, Georgia, and Chapel Hill, North Carolina, and will send him to one of those colleges, making choice of that which promises most security against conscription. The South Carolina College is converted into a hospital, and offers no encouragement for the education of any but those under 18. Nor would the Charleston College favor our purposes, for if there was fighting for the town, Jim would undoubtedly take a hand with his townsmen. It would be hard for him to do that which you most earnestly desire and which would give me most pleasure; but in the present condition of his feelings I do not think his presence would be any comfort to you. * * *

As to your Mama she is certainly no worse, tho' she keeps her bed 2 days out of 3. She is a good deal scandalized by your partiality for the North; so different from her feelings which are thoroughly Southern. * * * I come to town 2 or 3 times a week and attend to such little business as I have to do. I have not moved my library from the Alley, and am very unwilling to do so. All the danger would be, as I verily believe, in the shells that might be thrown into the town; for tho' our hotheaded townsmen threaten to apply the torch themselves if they can not save the town, I do not believe them. But in truth I do not think the U. S. will make an assault on this place; at least not until they have gained entire possession of the Mississippi, and secured a permanent foot-hold in the West. And I think so because it is their evident policy. If any one of the States now in sedition should give way, the example would prove contagious. But the defection is not likely to begin here where the men are all full of fight, particularly the parsons; and the women exceed them in violence.

James Lowndes and Jo Blythe Allston are captains in the army at Pocotaligo. Jo was wounded at the battle of POCO-

taligo, but it was only a flesh wound, and scarcely laid him up. None of those who suffered were connected with us. Ben Allston is at his father's on parole. His wound is not spoken of as dangerous. He was captured twice and wounded the last time at Harrodsburg in Kentucky. He did not come through Charleston and I have not seen him. Philip Porcher is a Lieutenant on board the *Palmetto State*; Charley is with Hampton's legion, has been in a dozen battles or more and never had a scratch. Johnston was at Petersburg when I heard of him last. Miles is in Richmond. As chairman of the Military Committee he is a person of importance. Peter Gourdin is, as far as I know, snug on Back River. I suppose he is excused from conscription to take care of the negroes, where white men are so few. There is no Gen. Rhett. Two of the family have fallen in battle, Grimké Rhett, son of Ben, and Robert Rhett, son of Barnwell; they were both Lieutenants. Burnett Rhett was married to Henrietta in October. Ellen King was married to Frank Campbell on the 5 November, and her father died on the 12th. Our sweet cousin in Henderson is well; some of her boys are in camp, and the rest at home. Amelia is strong, in will at least, and in affection too, and is on her plantation near the Bridge. I saw Mattie last Saturday. Her zeal boils over against the Yankees in downright imprecations. My dear child, it would be painful for you to come here, and serve no good purpose. Even Louise Porcher, your aunt, is too great a politician for us to converse on terms of confidence. Those who said I had changed my views of secession are wonderfully mistaken. Every day convinces me more and more of the soundness of the opinions which I expressed at the time and have ever since avowed. Of the result it is true that my opinion has been shaken for at the beginning I scarcely doubted that the seceding States would make good their independence. Of that conclusion I am now much more diffident, tho' I still think it probable that Alabama, Georgia, Florida, the Carolinas and eastern Virginia will be ultimately reorganized by the U. S. as foreign and independent States. There will be a great deal of blood shed before the armies that are now arrayed on the Rappahannock separate. Kings were formerly accused with sporting with the lives of their subjects. But experience shows that Demos is as fond of that sport as the veriest tyrant that ever trampled on the rights of human nature. I have forgot Mrs. Jack; I saw her in September at Greenville, looking well and speaking of you with effusion. Mr. Alfred [Huger] is really dejected by the loss of his house, which was an instrument of hospitality which he will forever regret. Nothing gives me more content than to be assured that Trescott's books are not sold. My paper is out, and I am expecting Mr. Didier every moment. Adieu.

YOUR PARENT.

James Louis Petigru

The code is finished as far as it can be till it
passed upon it, which will not be till the end
meantime my vocation is suspended.

TO G. DIDIER

Summerville, 28

Dear Sir:

* * * My books are in St. Michael's Alley
to move them. Tho' the expectation is that
bombarded, I doubt it, and if it is, it does
Michael's Alley will be burned. I think the
independence of the Southern States or at least
ultimately be recognized by a treaty of peace
opinion from the first. I deplored it then, as
much as ever. When that peace will come
even Jeff Davis or Seward; but I suppose it
more than 5 years more. * * *

CHAPTER LIV

JANUARY-MARCH, 1863

DEATH OF DANIEL PETIGRU; HELPING THE UNFORTUNATE;
JAMES GOES TO CHAPEL HILL, N. C.; ADVICE TO JAMES;
MORE CONCERNED ABOUT HEALTH THAN THE MOVEMENTS
OF GENERAL HUNTER; HIS LAST LETTER, DIRECTIONS ABOUT
TREES; CLOSING DAYS; LETTER OF ALFRED HUGER; PREFACE
OF BAR ASSOCIATION AND CORRECTION OF MEMORIAL

TO MRS. CAROLINE PETIGRU CARSON

Charleston, 8 January, 1863.

Trouble has come upon us, my dear child, from a quarter least expected. It is true that poor Dan's health had suffered within the last year very considerably, but I had no idea that his constitution was broken down to such an extent as to threaten his life. He had been much with us ever since I returned from the back country in September, and his conversation and manners were more satisfactory than they had ever been, so much so that I really began to entertain the hope that he might yet be a useful member of society. He had a room over Mr. Carter's book store on Meeting Street where Adam Milliken and some other men stay, and he was in the habit of going to town, to settle his connexions with the company he belonged to, and to see Dr. Geddings about his throat. He left us on Thursday, the first of the year, and we expected him on Saturday, but he wrote to his mother that he was going to dine with Campbell Evans' a brother soldier, and would not return till Monday. On Monday I came to town; when we were at the place where the trains pass each other, I observed Capt. Corrie for the first time. He attached himself to me and I inquired whether he had been to Augusta. He said no that he had come up on the train that had just passed to meet a gentleman. At the depot he invited me into a carriage that was waiting for him, and after we were quite alone on our way, told me that I was the person that he had come to meet, and while I yet wondered what it could be that induced him to seek such a meeting, told me Daniel was no more. He had risen that morning as usual and it seems was preparing to wash, when he fell on his face, and expired without a struggle. Nobody was in the room; the chambermaid at a later hour found him on the floor and gave the alarm. I never saw a countenance

James Louis Petigru

more serene. The expression was natural and a sad sight to see that fair face and beautiful features it were in a sweet sleep. He never appeared to could not but think of the wonder I had often experienced from ladies on whom he made a favor and I had never been sensible of the charms of before. He was interred on the morning of St. Michael's Church Yard, and a very respectable funeral. Now he is gone my mind loves circumstances that are favorable to his memory none more honorable than this, that he contracted at least I know of none, and his name is unsullied by or baseness. * * *

At this period, though sick and suffering, in difficulty, earned about one hundred dollars a moderate money, not enough to support his own family could not resist appeals to his compassion, and on the following letter from a lady shows:

Summerville, S. C., Jan 19

Dear Mr. Petigru:

If perfectly convenient will you let me have—just what you can spare. It really goes against you, for you have accommodated me so much want of common necessities and comforts, I am sick, must plead my excuse.

Yours with sincere

Endorsed: "19 Jan'y, 1863—Sent by Sam

TO G. DIDIER

Charleston, 22

My dear Mr. Didier:

* * * It is a grief to me to confess that from shortness of breathing and a persistent Geddings is at work upon my complaints strong hopes of patching me up.

TO MRS. SUSAN PETIGRU KILPATRICK

St. Michael's Alley, 1863

My dear Sue:

My cough is very bad sometimes, tho' I find some relief; but till the swellings are got under myself a well man, nor find it prudent to und

* * * The furniture in Tradd Street was sold yesterday. I was not present, for the bad weather kept me at Summerville Monday and Tuesday, and I have become so cautious, that I do not venture in cold weather to take the early car, and so, I do not get to town till after three. I am told the things sold very well, but have heard no particulars, except that the wine brought 5 dollars a bottle. Neither the books nor the furniture of your room were offered. I have a great mind to buy the house.
* * *

YOUR PAPA.

TO MRS. CAROLINE PETIGRU CARSON

Governor Allston's, Meeting Street,
6 February, 1863.

My dear Carey:

* * * Your letter of the 15th ult. makes me sure that my letters by way of Nassau have been stopped or suppressed, for I could hardly have believed that all that I had sent forward between the 4 July and 14 October had miscarried. I have charged William to take great care of this and he promises to send it by the way of Halifax unless some safe opportunity should occur that is more direct. I am more anxious than ever about it as I intend to enclose James' first from Chapel Hill. I am much gratified that he has entered the Sophomore class. It will rise to Junior in June. I am not sorry that he is under a condition to make up his deficiency in some studies. It will stimulate his exertions at the start. In answering his letter I give you a list of errata. If those which I had written had succeeded in reaching their destination you would know already that I had been obliged to forego the plan of sending him North; as much by his overstrong objection to compromise himself so deeply against his countrymen here as by the other difficulties attending such a project. I hope by the time the war is ended his mind will be more open to the arguments in favor of Union than it is now. But there is no concealing from ourselves the consciousness that by that time the Union may be impossible. So much the worse for us all; but what better can be expected of our unbridled democracy with nothing but paper between them and Revolution? * * *

I have seen Rosa Izard who came from Baltimore to defend herself against confiscation. Major Lowndes came out clear owing much to the manly evidence which Arthur Huger gave in his behalf. Mrs. Van Buren's case has not come on. I have in one or two of my letters asked you to tell her to send me an affidavit that neither she nor her husband have voluntarily contributed money to aid the North in this war and that her husband has not served the United States in a military capacity

James Louis Petigru

since the breaking out of the war nor in any case in the case. The last confiscation act passed exempts from the penalty of Alien Enemies married women natives of any State of this country or whose husbands shall not be shown to have contributed to the cause of the enemy."

I have tried to persuade William Heyward an old lady, and he seemed to promise to do so. William Elliott has paid the debt of nature. 4th.

I have had a cough all winter and my health has been so bad that I have consulted Geddings and followed his advice that he will patch me up for the present. As I began by taking the 7 o'clock train at Summerville same day. But I soon found that would not do the offer of Sister Ann's house, and had just possession, when Mac. King tendered me the room and board in George Street which I could not refuse. He warmly pressed upon me. For three weeks I have had my home for the most of the time, returning to Summerville on Saturdays, and staying there till Tuesday by the two o'clock train. But last week Adele came and took up her quarters in Meeting Street and I should transfer myself to her. * * * Adele's arrival is an assault is made on the town if any is made. I don't believe. Ben is a Colonel and has a bullet in his thigh, which does not however much inconvenience him. * * * I grieve to think my dear that you are losing your living, but before this war is over many things will be that never did before.

YOUR I

TO JAMES PETIGRU CARSON

Summerville, 9

My dear James:

* * * I received a letter from your Mother on the 12th of December. It grieved me to feel how great I shall be when she comes to know the truth for I am doing for you with great anxiety. She has taken a university place, hired a maid, and prosecuted her work as an artist for a livelihood. Happy are you and your mother such an example of independence as I have never written by William Ross who in a yacht is now under blockade to Nassau. I enclosed your letter to him and the table thing I could do, and handed them to him. He was then ready to sail and was waiting for a night and a high wind. Charley Allston set

on the 3d. Aunt Adele is in Meeting Street, and the Governor and Ben are with her; but Ben is probably now on the road to join Kirby Smith, who is ordered to Texas. Our Ironclads gave the Enemy a great scare on the morning of the 4th, but there was not so much done as was at first expected. There is about as much talk as ever about an attack on Charleston or Savannah, with as little certainty. Your Grandmama keeps her bed as she did when you were with us. Aunt Sue is expected, but is still at Badwell—and you Dear James are the subject of the anxious hopes of us all, and above all of

YOUR GRANDFATHER.

I would join the Society to which my friend belongs. For all the South Carolinians to go one way would imply a factious temper.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, 13th February, 1863.

My dear Jane:

* * * I heard from Johnston last week, but in a very brief way, giving no account of his adventures nor of his sentiments further than his bitter resentment against the Yankees. Genl. Beauregard paid us a visit last evening, sat a long time and talked like a sociable companion. They say that Johnston is promoted, but I suppose he is only in command of a division by temporary arrangements. I did not allude to your inquiries about shipping cotton, for nothing could be more unavailing. Nobody cares a straw about freights; the owner of the ship that runs the blockade, would rather give you the cotton than receive your freight. I parted with Ben with emotion last Wednesday morning. He is the only one of us that looks on the war like a man of sense and seems to know the difference between viewing it from his standpoint and from another's. * * *

YOUR BROTHER.

TO MRS. JANE PETIGRU NORTH

St. Michael's Alley, Thursday, 19th Feb., 1863.

My dear Jane:

* * * Nobody knows whether Hunter means to storm Savannah or Wilmington or come here, and some people don't think he is going to do anything. For me, I am a doubter and don't believe what I don't know. My health gives me more concern than Hunter. The swelling is very troublesome, but not always equally distressing. The best symptom is the satisfaction of the stomach, which does not reject food nor suffer by the moderate use of it. When Adele goes I shall return to

Mack King, whose good offices are tendered with the same warmth as ever. On Saturday I revert to Summerville and stay there till Tuesday. * * * Johnny Jones ought to have known better than to oppose a man higher in office than himself. Bragg is famous for shooting men and John's friend may well rejoice, that his offence was considered more venial than the killing of a chicken, for which, it is said, one of Bragg's men suffered the death penalty on some occasion. But I am glad that Johnny is at home, and hope that his native air will be more profitable to him than Corinth or Murfreesborough. I left his Bond with Gen. McGowan, but who has the custody of the General's papers, I do not know. It is confidently said that Johnston is promoted, but I suppose that it is no more than a rumor, arising from his being in the temporary command of a division, as our nephew Ben has been of a brigade.

Love and benediction,

YOUR BROTHER.

In the fall of 1859 Mrs. North noticed with apprehension that Mr. Petigru could no longer do his "day's work" at Badwell without great fatigue. This was more apparent to others than to himself. He was over 70 years old and sclerosis of the veins and heart trouble began to develop. In the ensuing years, though his mental faculties remained unimpaired, his physical infirmities increased, and he was further burdened by mental anxieties—the breaking of the Union, the burning of his house, the grinding labor on the Code, the discomforts of his dwelling at Summerville, and the narrowness of things at home.

In January, 1863, the break-up came. He became a very ill man, and to inquiries as to his health would cheerfully answer, "I am not sure, but our friend Giddings [Dr. Geddings] is vamping me up." He continued to go to his office, where, on a visit of Mr. Grayson the day before he finally left it, he said to him, "You see I can still work at my trade."

On the 21st of February Mr. Lesesne* found him at the office; he was very sick and very much depressed. He said, "I feel under strong necessity of putting my house in order, and I must come here to do it." He had appointed his daughter, Caroline, and J. Johnston Pettigrew his executors, and thought that it was doubtful when either of them would return. Such being the case, he requested Mr. Lesesne "to assume the trouble of serving as an executor," which he agreed to do.

*Extracted from notes of Mr. Lesesne.

It had been arranged that the commission appointed by the Legislature to examine his work on the Code of the statute laws of the State should wait upon him on the 24th of February. He gave directions to prepare the office for their reception.

He then laboriously walked through St. Michael's Alley to the Court House, and this was his last visit to the scenes of his labor, day and night, for over forty years. A chair was obtained for him from the sheriff's office while he waited for the omnibus which conveyed him to the train for Summerville. On Sunday the 22d of February he added a codicil to his will appointing Mr. Lesesne executor, and changed certain minor bequests.

On Tuesday, the 24th, he arrived in town at 4 P. M., and went to the house of Mr. McMillan King at the corner of George and Meeting Streets.

On Wednesday, the 25th of February, the members of the commission, by appointment for 11 A. M., attended at Mr. King's. He was unequal to the effort of appearing, but said he hoped to do so in the course of the morning. Two hours after, being no better, he was persuaded to abandon the idea of seeing the gentlemen. Thus was fulfilled his prediction that he would die in harness, and die hard.

During the last two weeks of his illness the difficulty of breathing and intense suffering aggravated by salivation made it most painful for him to speak, but he surpassed himself by the patience and fortitude which he displayed. His sisters, joined by the whole community, did everything that human aid and sympathy could do to alleviate and soothe him. On Sunday afternoon, the day before he died, he was visited by Rev. James H. Elliott, assistant rector of St. Michael's Church. Mr. McMillan King, who had attended him with all the tenderness of a devoted son, had given orders "positively" that Mr. Petigru should not be disturbed. When he learned of this episode he was furious, and expressed himself in a special glossary of his own. Mr. Petigru called him near and whispered, "Don't disturb yourself, Mac, it didn't trouble me much, and," turning his thumb to the room where his sisters were, "it was a great gratification to them."

He died at 3 P. M., March 9th. A letter of Mrs. North to Mrs. Carson says, "Sue on one side and I on the other, each holding a hand—those dear hands that wrought so faithfully for every-

James Louis Petigru

body, * * * with his beautiful dark hair, his face, with an expression of serene gravity, free of wrinkles, no older than he did when he was 30 years old.

His funeral occurred at 5 p. m., March 10, and the city was moved. The civil and military authorities, poor, white and black, attended. His remains were laid alongside his lamented son, Albert, in St. John's cemetery.

The following letter from Alfred Huger is vigorous portrait of Mr. Petigru:

Longwood, M :

My dear Ben:

Mr. William Harleston very kindly prom
letters and papers with him to your house to
done so, I would thank you to send them by

I reached the only home I have left on exhausted in body and depressed in spirits and unmeasured sufferings put what strength, requisition, and his death admonishes me to moment. The blows come in such quick succession hardly "twilight enough to separate the day from the glare of another," and nothing save the sorrow on every side prevents me from falling into confidence in Petigru, and never knew any one as near being an institution by himself. Of his character was a mosaic, he furnished his own resources, wearing such colors as nature borrowing none from his fellows either for color or Consistent and just in matters of truth, had a hair. Generous and brave, he would give and ask nothing in return. His probity notwithstanding, and his gentleness and mercy were prosperity. Elevated in every sentiment, to those who needed his forgiveness; uncomplainingly his own rights were assailed, he was sure to protect them at utter defiance; his thoughts emanated from his mind, his opinions became his convictions, a part of his belief in God. When he acted because they agreed with him. When he was party, he guided without ostentation, and without exaction. When he was overpowered by numbers to the law, but never to the victor. He could not be dismayed, preferring always the gratitude of the people to the patronage of the powerful and the conflict Petigru was himself; when his equanimity

answered to their names; and when his superiors were called for, *none* were forthcoming. He knew how to strike the hardest blows, and he knew how to receive them; for he never hesitated to strike when the provocation was sufficient, and he never winced or quailed, no matter how deadly was the returning arrow. If there is any man now living in South Carolina capable of writing the History of his own Times, Petigru, for the highest aspirations as to duty or honor—for the boldness of his thinkings—for the brightness of his genius—for the grasp of his intellect—for the purity of his friendship—for the unselfishness of his nature, will be ranked with those of whom the State has most reason to be proud. Preaching the doctrine of an exalted benevolence, his charity kept pace with his teachings; and, limited in means, when denial was necessary, he began always with himself. He loved to help others, and to be in partnership with misfortune; and, doing good without restraint, he was the living, moving, acting principle of those qualities which carried to his grave the profoundest reverence of the rich, and the heart-stricken lamentations of the poor.

If this outpouring is tiresome or tedious, I ask for the forgiveness which was the prominent attribute of the subject. None loved *me* more, and none was more beloved.

Yours ever,

ALFRED HUGER.

Mr. Petigru commences his will as follows:

In the name of God, Amen; for I venerate the sentiment that in making one's will his conscientiousness should be aroused by the invocation of that holy name.

After making certain bequests he says that the various pieces of land that he had bought should be annexed to Badwell, and he confirms an agreement that he had previously made with his sisters.

After the death of the surviving sister I direct that the plantation * * * be sold, but not out of the family * * * to such ones of the descendants of our grandfather, the Reverend Jean Louis Gibert, as may be willing, in a fair competition among themselves, to give the most money for it; and it shall be the duty of my executors to invite all the descendants of our grandfather to attend, and all those who are under age shall be represented by their parents or friends who may purchase if so inclined in their name (the name of the infants) and the executors shall have the same discretion as to the details of this sale as heretofore mentioned. Nor shall either nor any of my executors be disqualified on that account from bidding or purchasing at

James Louis Petigru

this or any other sale made in pursuance of an appeal to the sentiment of filial piety to give that this small domain which is valuable only for our ancestral name, may continue in the line that even at the cost of some pecuniary sacrifice may be respected without referring to any other consideration. The purchase money shall be distributed one-fifth as my dear sister, Jane G. North, may desire, the remainder between my two daughters or to the heirs of the body then living.

On the death of the surviving sister, Mary North, the plantation was sold, according to the terms of the will, in November, 1872, and was bought by his nephew, John North, for six thousand dollars. After several years she sold it to her sister, Mary North, Allston, whose descendants now own the plantation.

With pious sentiment Joseph Blythe Allston reserved from any future sale the family of the Reverend Jean Louis Gibert is buried.

A meeting of the Bar of Charleston was held on March 25, 1863, to pay the tribute of respect to Mr. Petigru.

Heartfelt and beautiful eulogies were read by Honorable R. Barnwell Rhett spoke of his

* * * My tutor in boyhood; my friend in my better friend in advanced life, whom neither private duties nor troubles, nor the anger of differences of more than thirty years ever prevented from an unkind word or to do an unkind deed to me this test of his friendship: In the summer of 1837, I thought I was ruined by the mistake I went to him and told him my troubles. He gave me warm sympathy, and then he said, "I have no money; I can not keep money; but my credit is yours; you choose to use it to the last dollar of the proceeds of this time he was in possession of considerable property, many years of labor and accumulation. He made a generous offer; but it shows you the man who in part, why I am here today to bear testimony to the worth of one of the bravest and truest

When the proceedings of this meeting were published, Mr. Wm. E. Martin wrote a preface in which

Mr. Petigru had changed his views,—in other words, become a Confederate. In 1878, while living at Rome, Mrs. Carson, at her own expense, had these proceedings printed and bound in a little volume entitled "Memorial to James L. Petigru." When she discovered the mistake of this preface, she, with much labor, was forced to write to the various friends in the North to whom she had directed copies to be sent, requesting that the preface be cut out. In her personal copy of the volume the following notice was found:

* * * Had I had a copy of the pamphlet by me I would not have permitted the preface to be reprinted, and in that way have, as it were, given it my endorsement. One may easily read between the lines the attempt to bolster up the writer's own passion by false assumptions. The preface, written by General Martin in 1866, says what his letter to the Bar Meeting in 1863 did not dare to do. I do not know how it fell into his hands to prepare the Bar resolutions for the press in '66. At the Bar Meeting not one of the speakers insinuated any such change of attitude in Mr. Petigru. It was those loving words of veneration that I desired to preserve. * * * Time, which softens animosity and the very preposterousness of the claim, made me forget all except the beautiful and sincere expressions of those whom politically he had always opposed, and were, therefore, as honorable to them as to him. * * * As it stands it is rather a libel on Mr. Petigru than an eulogy, and I would rather have put my hand in the fire than brought this about.

CHAPTER LV

THE EPITAPH

Caroline Petigru Carson often said that constant effort was to gratify and to make her father; her devotion to him was really a love. With similar qualities of mind and heart, and of the attainments of the other; a mutual sympathy between them; and for sympathy and happiness other ever depended. After the war, so anxious by being again united with her sons, her heart was to erect a monument to her very ill woman, she felt that she could not do. She consulted her faithful friend, Mr. Detmold. He was ready to take it up and get subscribers; he could easily do, so great was the interest of Mr. Petigru. This she refused to allow. She was doing it herself, and felt that her father was honored by the work of his daughter's hands. When too ill to paint, she lay on her back frequently for twelve hours a day, and she was of the work kept her alive. After two years she accumulated a sum sufficient for the purpose.

For the epitaph she consulted Mr. Bancroft for advice—not to have it in Latin, which was more scholarly, and he said, "Write what you like, and I shall put it in shape." She sent the inscription which was not preserved. Within a few days afterwards, with the accompanying money, she sent an epitaph beautifully engrossed.

Dear Mrs. Carson:

I have endeavored an epitaph. It is not perfect; criticise it; ask Detmold's opinion: and I will do better.

Yours very truly

Here lies all that was mortal of

JAMES LOUIS PETIGRU

Born at Abbeville, S. C. May 10th, 1789. He died March 9th, 1863

Charleston was his home, the United States his country. Self-poised in rectitude and undismayed by faction, (he stood as an upright patriot in the presence of sedition) and could not be bent by the fierceness of Civil War.

In his life, he was loving and beloved, true to duty and affection, to charity and reason, high above envy, unselfish and benevolent, serene in affliction, always cheerful and patient, laborious and honoring labor.

As a lawyer, his favorite clients were the poor and the wronged and he left not his equal in acuteness and learning.

This stone is raised to his memory by his daughter.

GEORGE BANCROFT.

This did not please on account of the harsh tone of reproof of secession. As Mr. Petigru during life had suffered from his secession friends without recrimination, it was highly improper to have him reproach them from the grave. Mrs. Carson discarded the Civil War phrase and substituted "he was honored for his fidelity by those whom he withstood."

James Louis Petigru

Here lies all that was mortal of

JAMES LOUIS PETIGRU

Born at Abbeville, S. C. May 10th, 1789.
9th, 1863

Charleston was his home, the United States
Self-poised in rectitude and undismayed by
in the presence of sedition he was honored
those whom he withstood.

In his life he was loving and beloved, true
and reason, high above envy, genial and single
serene in affliction, always cheerful and patient
honoring labor.

As a lawyer he left not his equal in acuteness
and was the chosen advocate of the poor and

This stone is raised to his memory by his daughter
CARSON

With two other minor changes Mrs. Carson
orandum to Mr. Robert E. Winthrop of Boston
advice and opinions were shown by the following
him she adopted the words, Jurist, Orator, Patriot

Boston, 27th

My dear Mrs. Carson:

Your kind note of the 18th reached me on
It would have given Mrs. Winthrop great pleasure
during our recent visit to New York, and I
gladly I should have availed myself of any opportunity
ing you either at New York or at Washington
great compliment in asking me to aid you
inscription for your venerated father's monument
be most proud to write one worthy of adoption
ever, that I should neither satisfy you nor myself
My own taste for epitaphs is to have them

James Louis Petigru, The accomplished Jurist
Orator, The incorruptible Patriot.

Born
Died

Something of this sort would suit me better than any long circumlocutions or descriptions. I will keep the matter in mind, however, for a few weeks more, and if anything occurs to me which I think you would like better, it will give me pleasure to communicate it to you.

Meantime, believe me, with Mrs. W's and my own kind regards,

Very sincerely yours,

ROBERT E. WINTHROP.

Boston, 16th May, 1867.

My dear Mrs. Carson:

If Chancellor Lesesne is still with you, be good enough to tell him that his note has just reached me, and that I shall be most glad to see him in Massachusetts. His friend, Dr. Wharton, is one of my own special friends and is my Pastor during the summer season. We are at Brookline ourselves, and shall rely on your Cousin's coming over to see us with Dr. Wharton. Amid the crowd of engagements which have come upon me of late, I have never acknowledged your last note. I will talk with the Chancellor about the inscription on your honored father's monument. I see no objection to your having engraved on the tablet, beneath the tribute to his memory, something of this sort, "A loving daughter sadly separated from him, during the last years of his life, pays this tribute to his memory."

I doubt a little the lines from *Samson Agonistes*. Nothing could be more appropriate to him than the sentiment. They are the lines which seem to indicate a recent death, a fresh grief and which lose their appropriateness as the years roll on. Nor do they speak to the common reader, as they do to one familiar with Milton.

But epitaphs should be suited to the capacity of the passer-by. If you use the quotation, I would have it on the reverse of the monument. The front inscription, should I think, be plain, terse, comprehensive, giving the name and dates in clear large type with a condensed summary of his great qualities. I would avoid above all things, whatever could be the subject of question and whatever should suggest controversy.

My wife and I are going to Europe in June, not for a very long absence, however. Pardon my hurried note and my long neglect of yours, and believe me

With great respect and regard, very faithfully,

ROBERT E. WINTHROP.

Then a very dear friend, the Reverend Dr. Orville Dewey, the great Unitarian Divine, made the two following attempts. They failed to satisfy as they did not seem to Mrs. Carson as good as her own production.

James Louis Petigru

JAMES LOUIS PETIGRU

Born at Abbeville, S. C. May 10

Died at Charleston, March 9th

Future times will not know how large a space
day;

For his life was spent in action rather than
name lived

In eloquent speech, in wit, in courage

In the respect of his people

In the love of his family

But he stood second to none around

As Jurist, Lawyer, and Statesman

As a brilliant Orator and Advocate

As a fearless pleader for the wrong

Let this stone commemorate him

His kindness and forbearance

His dignity and simplicity

His solid judgment and impassioned

His original power and untiring

Insensible to flattery,

Unawed by opinion,

Undismayed by disaster

Cheerful to the end,

And dying calmly with the Christian

Charleston was his home, the Republic

In the Great Civil War

He stood for his Country, and again

Yet honor to him and to

They preserved their affection

And heaped their eulogies upon

In common with the whole

This stone better suited to his modest
his fame, is erected by his daughter

For the Pedestal.

Nothing is here for tears, nothing

Or knock the breast; no weakness

Dispraise or blame; nothing but virtue

And what may quiet us in a life so

Dr

JAMES LOUIS PETIGRU

Born at Abbeville, S. C. May 10th, 1789.

Died, March 9th, 1863.

Let this tablet commemorate him;
As Jurist, Lawyer and Statesman,
As brilliant Orator and Advocate,
As Pleader for the wronged and the poor,
Second to none around him;
Let this stone commemorate also a man
As a man, remarkable for
His kindness and forbearance
His dignity and simplicity,
His solid judgment, and impassioned earnestness,
His original power, and untiring industry;
Insensible to flattery,
Unawed by opinion,
Undismayed by disaster,
Cheerful to the end,
And dying calmly with the Christian hope.

Thus he lived and died.

And tho' he took part with his country
And against his people, in the Great Civil War,
Yet, honor to him and to them, they kept their regard
for him to the end, and heaped their
eulogies, in common with the whole country upon his grave.

DR. ORVILLE DEWEY.

Neither did the effort of her friend, Mr. George L. Schuyler,
prove satisfactory:

JAMES LOUIS PETIGRU

Born at Abbeville, S. C. May 10th, 1789.

Died at Charleston, March 9th, 1863.

In his life, he was genial, simpleminded and unselfish, cheerful and patient in adversity, true to the claims of duty, loving much and beloved by all.

As a lawyer distinguished for wit, acuteness, and learning—(laborious himself and honoring labor in others) he was ever the chosen advocate of the poor and oppressed.

As a patriot self-poised in rectitude and undismayed by faction by his firm support of the Government of the United States, even through Civil War. While preserving the respect of those, whom he withstood, he earned and received a national tribute of sympathy, gratitude and veneration.

This stone is raised to his memory by his daughter Caroline Carson.

GEORGE L. SCHUYLER.

She next enlisted the help of Mr. Joseph H. Dukes, of New York, who had been a favorite law student in Mr. Petigru's office. The inscription of Mr. Dukes did not reach the ideal plane.



Here rests

JAMES LOUIS PETIGRU.

The profound Jurist
The eloquent Advocate
The enlightened Philanthropist
The fearless Patriot.

In him were happily blended those
qualities which challenge the love and admiration
of mankind

Of a social and genial temper
Of great physical moral and intellectual
courage—of rare wit and delicate humor
He combined a power of subtle analysis
with a broad and vigorous understanding

With sympathies of feminine tenderness and activity he
united an informed and discriminating sense of justice

In him the oppressed ever found
A resolute defender
The widow and fatherless
An unfailing support
A never failing friend
Loving much
His native State—he loved still more
The Union to which he looked
As the source of all past and
future national prosperity

During the asperity
of the Great American Civil War he retained
the respect and affection of his
fellow citizens from whom he
widely differed in opinion

Dying in their midst
Whilst that eventful struggle
Was pending no one passed away
More deeply lamented
By his death

The Union has lost one of its ablest
And most devoted champions
The State of South Carolina
one of its most cherished and gifted sons.

JOSEPH H. DUKES.

The following inscription is that of Mrs. Carson which Mr. Dukes with a slight addition, proposed should be used. The objection to this inscription was that it seemed to her not to hang together.

JAMES LOUIS PETIGRU.

Born at Abbeville, S. C. May 10th, 1789.
Died March 9th, 1863.

Charleston was his home, the Republic his country,
In a narrow sphere he discharged his duties
The nation recognizes his patriotism
His fellow citizens revere his memory.
Of a most original mind
Wit and learning sparkled in his discourse
Charity ruled every word and action.

Unbounded benevolence
Unexampled patience
Legal acuteness, childlike simplicity
Reason always supreme
Passionate in the pursuit of good
Honouring labor
Of untiring industry
Great strength and courage
Surpassed by moral power.

Alike insensible to flattery and criticism
Relying unhesitatingly on his conscience.
Unsoured by misfortune, undismayed by faction
Unshaken in his love for Humanity.

Friend of the poor and unhappy
His presence ever brought joy.

This stone better suited to his modesty than
to his fame, is erected by his daughter Caroline Carson

Nothing is here for tears, nothing to wail,
Or knock the breast; no weakness, no contempt,
Dispraise or blame; nothing but well and fair
And what may quiet us in a life and death so noble.

CAROLINE CARSON.

She then consulted with her friend Mr. Charles A. Dana. He, recognizing the difficulties of reaching her ideal, suggested to her that the most capable person to carry out her wishes was that "wretch Hurlbut." She accordingly sent for him. It was singular that the name Hurlbut, father and son, should be associated with the opening and closing events of the career of Mr. Petigru.

Hurlbut immediately came and laughingly said, "So Dana can not help you and calls me a wretch. My friend Dana suffers from a lack of originality."

He immediately, with the greatest enthusiasm, threw himself into the work. In the afternoon he carried off the papers; before nine o'clock the next morning he sent the draft of the inscription finally adopted.

Hurlbut did not stop at this. He found Burr & Fisher, a reliable firm of marble workers, of East Houston Street, who for a reasonable sum contracted to do the work. He selected a piece of the best Italian marble; he was also careful to procure the best letter-cutter to be found; he superintended and inspected the work until it was completed. The production of this epitaph and monument is probably the most earnest work that this effervescent genius ever accomplished.

On the 24th of May, 1891, referring to Mr. Pope's eulogy of Mr. Petigru, Mrs. Carson writes:

It is really beautiful; the best thing yet, but I was awfully cut up when he said that Mr. Petigru lay under a monument raised by "strangers' hands," which when the mistake was pointed out, he made the scanty amends by the substitution of filial love. I wrote him that "strangers' hands" had dealt me a dreadful blow. The inscription is a collaboration of Hurlbut and myself and is acknowledged to be the most perfect of epitaphs. I consider the monument is the most creditable thing I have achieved.

The monument with the following inscription is over the grave of Mr. Petigru in St. Michael's churchyard in Charleston:

James Louis Petig

JAMES LOUIS PETIC

Born at
Abbeville May 10th 17
Died at Charleston March 9

JURIST. ORATOR. STATESMAN

Future times will hardly know him
This simple stone commemorates
The tradition of his Eloquence
Wisdom and his Wit may fade
But he lived for ends more durable
His Eloquence was the protection of the
His Learning illuminated the principles
In the admiration of his People
In the respect of his Peers
In the affection of his Family
His was the highest place
The just meed
Of his kindness and forbearance
His dignity and simplicity
His brilliant genius and his unwearied
Unawed by Opinion
Unseduced by Flattery
Undismayed by Disasters
He confronted Life with antiquity
And Death with Christianity

In the great Civil War
He withstood his People for Liberty
But his People did homage to him
Who held his conscience higher than
And his Country
Heaped her honors on the grave
To whom living,
His own righteous self-respect
Alike for Motive and Reward

"Nothing is here for tears, not here
Or knock the breast; no weak
Dispraise or blame; nothing but
And what may quiet us in a life

This stone is erected by his daughter

In the Protestant cemetery at Rome where the sunset gilds the graceful cypresses and, on Monte Testaccio, is seen the cross standing out against the sky as an omen, there, surrounded by the graves of many very dear friends, is a simple stone thus inscribed:

CAROLINE CARSON

Born at Charleston
South Carolina
January 4 1820
Died at Rome
August 15 1892

Daughter of
James Louis Petigru
The Union Man
of
South Carolina

Resurgam

Finis

INDEX

- Adams, General, 284
 Aiken, Henrietta, 435
 Alfred, Charles, 123
 Allston, Aaron Burr, 47
 Adele, engagement of, 443
 Ben, 120, 464
 Charley, 469
 Governor Joseph, 47, 417
 Joseph Blythe, 102, 293, 341, 463
 Mrs. Joseph Blythe, 475
 Joseph W., 66, 120
 Governor R. F. W., 120, 182, 319, 373
 Rebecca Mott, 205
 Robert, 222
 Ames, Governor, 68
 Ancrum, Louisa, 216
 Anderson, Major, 371
 Archer, Mr., 321
 Ashburton, Lord, 221
 Ashby, 244
 Astor, John Jacob, 210
 Atheist party, 129
 Auckland, Lord, 342
- Bacot, Mr., 163
 Bailey, Attorney-General, 62, 70
 Baker, Rev. Mr., 85, 300
 Baldwin, 167
 Ball, Elias Nonus, 433
 Bancroft, George, epitaph by, 477
 Bank of Charleston, letter to, 217
 Bank, South Western Railroad, 212
 Barns, 55
 Barnwell, Joseph W., 49
 Mary, 84
 Robert Woodman, 106
 Baron, Alexander, 266
 Barquet, Barbara, 241, 242
 Bay, Judge, 182
 Bec, Bernard, 274
 Thomas, 268
 Beechy, Sir William, 178
 Beauregard, General, 376, 379
 Bellinger, 319
 Belot, Mme., 12
 Benjamin, Judah P., 388
 Berrien, Judge, 257, 261, 262
 Besselleu, P. I., 50, 51
 Bienaime, Elizabeth, 11
- Binsse, Ma
 Birtwhistle
 Black, Sens
 Blacklock,
 Blanding, V
 Blatchford,
 Blount, Ma
 Blue Ridge
 gru in
 Blyth, Jo.,
 Bonaparte,
 Boone, Gov
 Bishop of
 Bouchillon,
 Boutiton, I
 Jeanne [I
 Rev. Pie
 Bowie, Alex
 George, 3
 Bowman, M
 Captain,
 Mary, 44
 Boyce, Ker
 Bragg, Gen
 Brailsford,
 Branford, M
 Breckenridg
 Brevoort, F
 Brisbane, R
 Britt, Mr.,
 Broad, Gec
 childre
 Brown, A. I
 Bryan, Mr.
 Buchanan,
 messag
 Buell, Gene
 "Buffaloes,
 Bunch, Rob
 386
 Bull, Willia
 Bunell, 158
 Burr, Theo
 Burrows, W
 Burt, Mr.,
 Butler, Cap
 Colonel,
 George, 3
 Mrs. Joh
 Judge, 27
 Bythewood,

- Cabell, Miss, 251, 252
 Mrs., 246
 William H., 246, 251, 252
 Calder, Mrs., 48, 49
 Caldwell, Mr., 250, 251
 Mrs., 247
 Calhoun, John A., 316
 John C., 2, 53, 79, 80, 107, 187, 191
 193, 216, 222, 239, 243, 265, 274,
 294
 Mrs. Martha, 274
 Patrick, 2
 California gold speculation, 275
 Calvary Church riot, 280
 Campbell, Dr., 72, 435
 Frank, marriage to Ellen King, 464
 Carr, Mr., 187
 Carson, Caroline (Petigru), 28, 42, 67
 68, 207, 243, 247, 248, 249, 250
 251, 275, 276, 277, 283, 284, 297,
 382, 471, 477, 485, 488
 Letters to, 28, 386, 387, 390, 392,
 415, 418, 423, 424, 426, 429, 430,
 432, 434, 437, 442, 458, 463, 466,
 468
 James, 208, 209, 458
 James Petigru, 42, 245, 248, 249,
 250, 251, 360
 Letters to, 412, 469
 Laura, 210
 Governor William Augustus, mar-
 riage of, to Caroline Petigru, 207
 William A., antecedents of, 208
 William, son of William A., letters
 to, 370, 380, 420
 Carson plantation, description of, 211
 Casey, Pholoclea, 202
 Cass, Lewis, campaign for presidency,
 265, 275
 Charleston Library Society, first cen-
 tennial, 266
 Chesnut, James, 167, 287
 Chevalier, Mr., 156
 Cheves, Langdon, "Occasional Re-
 views," 96
 Chisholm, John, 253
 Miss, 41, 42
 Choctaw country, visit to, 192
 Choiseul, Count de, 447
 City Gazette, 78
 Clark, James, State *vs.*, 70
 Clay, Henry, 245, 246, 252, 293, 363
 Ball in honor of, 238
 Clayton, J. S., 105
 Clinch, General, 259, 261
 Coat-of-arms, Petigru, 179
 Cobb, T. R. R., 338, 463
 Cochran, George, 1
 Mary, wife of James Pettigrew III,
 1
 Code of South Carolina, 358, 424
 Coffin, Tom, 433
 Cogadell, 437
 Cohen, Philip, 117
 Collier, Cornelius, 26, 33
 Edward, 33
 James, 33
 Wyatt, 33
 Collier, 187, 275
 Colquit, Judge, 262
 Commander, Colonel, 298
 Compromise of 1850, 280
 Conner, 253, 319
 Constitution of the U. S., foreseen de-
 fect in, 371
 Cooper, John, 266
 Thomas, 86, 174
 Corbin, modification of code by, 359
 Corrie, Capt., 466
 Coster, 254
 Court of Appeals, bill to abolish, 179
 Covin, colonist, 12
 Crawford, Governor, 262
 Secretary, 276
 Mrs., 255
 Crenshaw, Judge Anderson, 306
 Croom, Hardy Bryan, 321
 Cross, Colonel, death of, 186
 Crottet, M. A., letters to, 376, 381
 Cruger, Lieutenant Colonel, 4
 Henry, 140
 Lewis, 154
 Miss, 206
 Cunningham, Ann Pamela, 361, 401
 Colonel John, 208, 265, 315, 319,
 320
 Colonel Richard, 81
 Cuthbert, George B., 300
 Cutting, Brockholst, 379
 Cuyler, Mr., 296
 Daddy Lunnon, 353
 Daddy Tom, epitaph on, 352
 Dana, Charles A., epitaph by, 486
 Dangerfield, John R., 349
 Daniel *vs.* Meekin, case of, 131
 Datie, Mlle., 58, 210
 Davis, George, 300, 306
 Jefferson, 368, 376, 387, 416, 440,
 465
 Nathan, 228
 Dawson, 262
 Day, F., 261
 Mrs., 261
 De la Howe School, 423
 Dent, James T., 47
 De Saussure, Dr., 300, 301
 Judge Henry A., 102, 182, 193, 278
 John, 446
 Detmold, Mr., 433

James Louis Petigru

- De Treville resolution, forbidding entrance of free negroes into South Carolina, 240
- Deveaux, J. P., letter to, 348
- Dewey, Rev. Dr. Orville, epitaph by, 481
- Dewitt, Charles, 308
- Dickson, Dr., 163, 437
- Didier, G., letters to, 465, 467
- Disunionists in the Legislature, 286
- Dorn, Mr., 313
- Douglass, 356
- DouxSaint, Paul, 266
- Drayton, William, 62, 67, 78, 79, 159, 206
 - William, letters to, 130, 140, 153, 157, 164
- Dred Scott decision, 356
- Dukes, Joseph H., 100, 348, 484
- Dunkin, Benjamin Faneuil, 64, 79, 141, 368, 444
- Dunnovant, General, 283, 374
- DuPont, 309
 - Mrs., 244
- Dursee, 158
- Earle, 113
- Edwards, John, death of, 453
- Elliott, Charles, 215
 - Ernie, 444
 - Harriette, 317
 - Rev. James H., 472
 - Ralph, 444
 - Stephen, 268
 - T. O., 138
 - William, 84
 - Senator William, 84, 469
 - Letters to, 83, 85, 89, 90, 96, 97, 98, 105, 122, 206, 300, 301, 317, 351, 444
- Elmore, Franklin, 138, 259, 280
- "Enforcement Act," nullification of, 116
- Engelvine, Pierre, 14, 15, 18
- England, Bishop, funeral of, 214, 215
- Epitaph on Petigru, 487
- Estill, 96
- Eulogies of Mr. Petigru, 475
- Evans, Campbell, 466
 - Thomas, 113, 281
- Everett, Edward, 325, 326
 - Letters to, 325, 355, 359, 366
 - Letter to Petigru, 337
- Faulkner, Mr., 367
- Felix, servant, 24
- Fillmore, President, 281, 282, 288
 - Appointment of Petigru, 282-283
- Finley, Jeanne Gibert, 18
 - Louis, 16
- P., 137
- Thomas
- Fire Eater
- Fire in Ch
- Firearms l
- "Force Bi
- Forrest, M
- Forsyth, M
- Fort Mou
- 1844,
- Fort Sum
- 367, 3
- Fall of,
- Franklin,
- Free Trad
- ers of
- Frierson,
- Jane, 20
- Fripp, Joh
- Frost, Dr.
- Judge, 3
- Fuller, Re
- Gabriel, 1
- Gadsden,
- Gaillard, l
- Gantt, To
- Gibbes, L
- Sarah, 6
- Gibert, Al
- Clemen
- Elie, 12
- Elizabet
- Etienne
- Harriet,
- Rev. Je
- Jeanne,
- Dr. Joh
- 351
- Joseph
- Louise,
- Lucie,
- Marie,
- Pierre,
- Susane
- Gilchrist,
- Gill, 309
- Gillison, V
- Gilman, l
- Gilmer, L
- Govern
- Mrs., 28
- Giyou, A
- Gonzales,
- Genera
- William
- Gould, M
- Gourdin, l
- Lewis, l
- Peter, :

- Graham, Hon. W. A., 288, 290
 Grayson, Colonel, 293
 Letters to, 25
 Gregg, 309
 Green, Duff, 121
 Greer, Mr., 452
 Grimké, Thomas S., 62, 87, 162
 Mrs., 60
 Grindlay, James, 266
 Guerard, Mr., 296
 Guilfoyle, 23, 25, 243
 Guillebeaux, colonist, 12
 Guillou, 452
 Guy, Louise, 5
 Gwinne, Major, 366
- Habersham, Mrs., 210
 Hackley, C. W., 178
 Hales, Sir Edward, 137
 Hamilton, Alexander, 67
 Captain, 258, 284
 Elizabeth Lynch, 88
 Family, 242
 General, death of, 221
 Hannah, note on, 88
 General James, 62, 63, 67, 75, 78,
 80, 102, 115, 192, 193, 218, 241,
 263, 284
 Hamlet, negro preacher, 276
 Hammond, Mr., 222, 286
 Hampton, Colonel, death of, 325
 Frank, 49
 Kate, 228
 Hapholdt, gunmaker, 65
 Harleston, widow of John, 62
 Harper, Judge William, 29, 77, 241,
 259, 309
 Harris, Mr., 254
 Harvey, servant, 26
 Haskell, Miss, 213
 C. T., 213
 Haughton, Colonel, 68
 Hayne, Arthur, 166
 Colonel, sequestration act argument,
 409
 Death of, 205
 Robert Y., 46, 62, 63, 68, 79, 205,
 409
 Proclamation by, 107, 111
 Haynes, Mrs., 253
 Henry, James Edward, 110
 Herbemont, Mrs., 210
 Herschell, Mrs., 261
 Hetward, William C., 446
 Heyward, Mrs., 40
 William ("Tiger Bill"), 300, 301,
 435, 468
 Higham, T., 221
 Hoar, Sherman, 240
 Holbrook, Mrs., 413, 424
- Holmes, General, 434
 Isaac, 127, 213
 Rutledge, 117
 Theopolus, 178
 Homes, Mr., 282
 Howe, Jean de la, 343
 Howland, 253
 Huger, Alfred, 77, 105, 123, 155, 163,
 409, 464
 Letter to Petigru, 400
 Letters to, 292, 341, 356
 Tribute to Petigru, 473
 Arthur, 468
 Ben, 123
 Daniel Elliott, 40, 52, 59, 79, 219,
 224, 248, 376
 John, death of, 242
 Huguenin, Captain, 46
 Huguenots, inquiry concerning, 377
 Hunt, Benjamin Faneuil, 63, 79, 173
 Case of McCrady *vs.*, 131
 Hurlbut, George, 38
 M. L., 38
 Gen. Stephen Augustus, 38, 214
 Emissary of Lincoln, 374
 William Henry, arrest of, 388, 389
 Efforts in behalf of, 392
 Epitaph by, 486
 Release on parole, 394
 Huston, Mr., 59
 Hutchinson, Mr., 248
 Hutson, William, 54
 Hutson, 300, 301
- Ingraham, George, 368
 Mr. and Mrs., 250
 Irving, Jack, 112
 Izard, J. Allen (Smith), 178, 434
 Izard, Rosa, 468
- Jack, Gullah, 63
 Jackson, Captain John, 59
 Jinsey, 59
 Jake, servant, 26
 Johnson, Governor David, 110, 257,
 295
 Dick, 175
 Judge, 156, 158, 164
 Reverdy, letter to, April 16, 1861,
 379
 Johnston, Joseph E., Second Lieuten-
 ant, 111
 Senator, 337
 Jones, Mrs. Lewis, 428
 Senator James, 315
 Joyner, Mr., 85
- Keitt, 315
 Kendall, Amos, 296
 Kenon, Judge, 254, 255

James Louis Petig

- | | |
|--|--|
| <p> Kershaw, 208
 Kimhardt, Mr., 282
 King, Adele, 245, 249, 251, 252, 256,
 258, 259, 261
 Alexander C., 298
 Caroline, 278
 Ellen, 464
 Henry C., 62, 226, 259, 278, 283, 412,
 415, 452
 J. Gadsden, 298
 Louise, 278
 McMillan, 469, 471, 472
 Mitchell, 226
 Susan Petigru, letters to, 213, 215,
 222, 226, 244, 245, 246, 248, 250,
 252, 254, 257, 259, 260, 273, 274,
 277, 279, 283, 297, 313, 317, 318,
 321, 323, 339, 346, 361, 372, 389,
 392, 394, 435, 443, 445, 450, 457,
 467
 Kinloch, Martha, 201, 243
 Kohne, Mr., 296
 Mrs., 240, 296, 298

 La Bruce, Miss, 182
 Ladson, James H., 61
 Lamon, Ward, emissary of Lincoln,
 374
 Lancaster, 170
 Laurens, E. R., 82
 Law, Judge, 321
 Lee, Judge, 168
 General, 178, 413, 416, 430
 Legaré, Hugh S., 79
 Elected to Legislature, Attorney-
 General, 81
 Mentioned, 10, 29, 77, 190, 216, 226
 Letters to, 53, 102, 111, 116, 120,
 123, 127, 137, 154, 158, 162, 166,
 167, 173, 180, 181, 183, 184, 193,
 197, 199, 200
 Leigh, Benjamin Watkins, 115
 Le Roy, colonist, 12
 LeSeigneur, Dr., 258
 Lescane, Henry D., 68, 215, 279, 283,
 285, 409
 Marriage to Harriette Petigru, 182
 Executor of will of Petigru, 471
 Tom, 182
 Liberia, transportation of negroes to,
 350
 Lincoln, General, 3
 President, 356, 363, 370, 415
 Logan, William, 266
 Longstreet, Judge A. B., 29, 65
 Lowden, Mr. and Mrs., 248
 Lowndes, James, 68, 446, 463
 William, 401
 Rawlins, 401, 468
 Lull, E. P., 288 </p> | <p> Lyell, Sir
 Lynch, T.
 Lyons, M.

 Magrath,
 401,
 Edward
 Manigaul
 Manning,
 418
 Richard
 Marcus, s
 Marshall,
 Eulogy
 Martin, 1
 Ben, 28
 Captain
 Edmun
 Genera
 William
 William
 Manning,
 Mason an
 Massachu
 igru l
 Massey, I
 Mathew
 Maury, L.
 316
 Maxcy, J
 Maxey, R
 Mayrant,
 McAlister
 McCauley
 McClellan
 McCord,
 McCrary
 McCrary
 McDuffie
 243
 Mary, :
 McFarlan
 McGowar
 McKie, P
 McLain,
 McLean,
 Meigs, D
 Memming
 Memphis
 Mercer, G
 "Merri
 Middleto
 Henry,
 Jack, 4
 John Iz
 Thoma
 Miles, 68
 Richar
 ment
 William </p> |
|--|--|

- Military Bill, 130
 Miller, 309
 Milliken, Adam, 466
 Mills, Clarke, 243
 Missouri Compromise, 280
 Mitchell, Boone, 41, 62
 Nelson, 341, 409, 437
 O. M., 178
 Nixon, J. B., printer, 266
 Monument of Petigru, 486
 Moragne, colonist, 12
 Morris, Mr., 73
 Morse, Samuel F. B., 296
 Morton, Mr., 356
 Mosely, Mr., 260
 Moses, Colonel, 446
 Mount Vernon Association, client of
 Petigru, 361, 401
 Murphy, 138, 309
 Myers, Colonel, Collector at Savan-
 nah, 226

 Negroes, free, 180
 Nelson, Amarithia, 208
 Samuel E., 208
 Nesbit, Sir Alexander, 210
 Neu, case of Daniel, 56
 Neufville, Mr., 41
 Mrs., 216, 247
 John, Jr., 266
 Neyle, Elizabeth, 209
 Philip, 209
 Samson, 209
 Noble, Mr., 187
 North, Dr., 51, 60, 72, 76, 225, 244
 Mrs. Edward, 60
 Henry, 164
 James, 364, 365, 370
 Jane Petigru, 20, 21, 195, 245, 274
 Letters to, 21, 22, 24, 25, 26, 72, 75,
 87, 180, 183, 185, 186, 187, 188,
 189, 190, 192, 193, 194, 195, 196,
 199, 202, 203, 205, 216, 218, 221,
 224, 225, 226, 238, 239, 241, 242,
 243, 251, 256, 259, 261, 263, 264,
 265, 275, 276, 277, 284, 287, 288,
 290, 291, 292, 293, 295, 298, 299,
 313, 314, 315, 323, 325, 337, 338,
 345, 350, 357, 360, 361, 362, 363,
 365, 366, 367, 368, 369, 370, 373,
 374, 378, 382, 390, 393, 409, 410,
 411, 413, 414, 415, 421, 422, 426,
 431, 433, 434, 437, 438, 439, 440,
 441, 449, 450, 452, 453, 455, 456,
 460, 461, 462, 470
 John Gough, 75
 Death of, 182
 Letter to, 179
 Louise G., purchase of plantation,
 by, 475

 Mary, 277
 Susy, 438
 Nott, 174
 Nullifiers, clash with Union party, 101
 Attack on quarters of Union Party,
 162
 Compromise with, 167
 and Whigs, pacification between,
 157

 Oelrich, Mrs., 416
 Ogelby, British Consul, 242
 O'Neale, Judge J. B., 81, 82, 158, 188,
 317
 Orr, 315
 "Ossawichee Co.," 192, 218

 Palmer, Dr. Benjamin Morgan, 239
 Hiram, 56
 Rev. John Morgan, 38
 Paris, Colonel Richard, Tory com-
 mander, 4
 Park, Mr., 174
 Parker, Mr., 426
 Pelot, Charles, 275
 Tom, 365
 Pemberton, General, 444
 Pepper, Mrs., 202
 Perant, 200
 Perkins, George, captain of the *Friend-
 ship*, 7
 Perry, B. F., 285
 Petigru, spelling of the name, 35
 Coat-of-arms, 179
 Adele, 75
 Albert Porcher, 60, 72
 Jane Caroline, schooling of, 60, 206
 (See Carson.)
 Charles, 74, 178, 247, 431
 Daniel Elliott Huger, 60, 236, 248,
 258, 259, 281
 Harriette, 75, 182, 292
 Jack, 74
 James Louis, genealogy, birth and
 early years, 1-16, 18
 Candidate of Union States' Rights
 Party for Senator, 79
 Resigns as Attorney-General, 81
 Candidate for State Senator, 81
 Elected to House of Representa-
 tives, 82
 Death of father, 188
 Silver goblet presented to, 214
 Speech in honor of Preston, 237
 Oration before Charleston Library
 Society, 266
 Speech for General Taylor, 274, 275
 Checks Calvary Church riot, 280
 Speech at meeting for Christianiz-
 ing the negroes, 281

James Louis Petigru

- U. S. District Attorney, 280, 281
- Letter to Fillmore, 282
- Call on Fillmore, 288
- Speech in the case of Mrs. W. —, 291
- Speech at 50th anniversary of South Carolina College, 299
- South Carolina College semi-centennial oration, 302-312
- President of S. C. Historical Society, 318
- Oration at Erskine College, 318
- Prevents a duel, 298, 319
- Croom-Sappington will case, 321
- Oration at 3d anniversary of S. C. Historical Society, 326
- Death of, 472, 473
- Will of, 474
- James Louis, Jr., death of, 295
- Jane Amelia (Postell), 75
- Letter to, 249
- Jane Caroline, marriage to J. G. North, 75 (*See* North.)
- Louise, 75
 - Marriage to Philip Johnston Porcher, 182
- Louise (Gibert), mother of James Louis Petigru, death of, 74
- Margaret, letter to, 178
- Mary, death of, 475
- Mary Anne, letter to, 322
- Mathew, 177
- Susan DuPont, 60-61, 68, 204
 - Marriage to Henry C. King, 226
- Capt. Thomas, 74, 241, 242, 277, 314, 316, 322
 - Letters to, 191, 222, 239, 253, 257, 258
- William, letter to, October 23, 1835, 176
- Pettigrew, family genealogy, 1-4
 - Charles, 2
 - Ebenezer, 2
 - James, III, 1, 3
 - James Johnston, 22, 67, 276, 277, 286, 300, 313, 317, 319, 383, 449, 456, 457
 - Statement in defense of Petigru, 383
 - Executor of Petigru's will, 471
 - Letters to, 376, 384, 436, 458
 - Joseph Samuel, 343
 - Mary, 417
 - Robert, 177
 - Thomas Joseph, 177
 - William, 2, 4, 15, 17, 18
 - Rev. William, 450
- Phillips, 168
- Pickens, Colonel, surrender to Colonel Paris, 3-4
- Governor, 448, 449
- Pierce, Fran
- Pinckney, C
- Charles C
- Frances, 8
- Henry La
- Maria H.,
- Thomas, 7
- Poinsett, Jo
- Letter to,
- Mrs., 191
- Polk, James
- Pope, Hon.
- Porcher, Ch
- F. A., 318
- Dr. Franc
- Mrs. Har
- Louise (P
- Paul, 59
- Peter, 59
- Philip, let
- Philip Joh
- Postell, Col.
- Jane Ame
- Letter 1
- John, 226
- Postelle, Cli
- den Kir
- William F
- Prendergras
- Prentiss, Mi
- Preston, Wi
- President
- 283, 284
- Price, Eli K
- Pringle, Mr
- James Re
- Prioleau, Cl
- Charles K
- Judge San
- Ramsey, 30
- Captain,
- Dr., 72
- Randolph, J
- Raoul, Miss
- Ravenel, Dr
- J. Priolea
- William,
- Ravina, Sign
- Read, J. Ha
- J. Harlest
- Ready, Rich
- Rearden, C
- Reid, 202
- Revival par
- Rhett, A. B
- Barnwell,
- Grimké, 4

- James, 213
 R. B., Jr., 383
 Robert, 464
 Richardson, Governor John Peter, 156, 168
 Letter to Mr. Petigru, 208
 James E., 208, 222
 Robertson, Alexander, 208
 Mary, 413
 Susan, 206
 William, 37, 46
 Robinson, 158
 Ross, William, 277, 469
 Russell, John, 302
 William H., 379
 Rutledge, Miss E. L., letter to, 424
 Major, 192
 Miss Sallie, letter to, January 20, 1862, 430
 Sacheverel, Thomas, 266
 Salvadore, 2
 Sampson, 248
 Sanford, 254
 Sappington, 321
 Sass, 417, 435
 Savannah Valley Railroad, 316
 Schmidt, Dr., 123
 Schuyler, George L., letter to Caroline Petigru Carson, 426, 427
 Epitaph by, 483
 Scott, Winfield, 46, 110, 160, 288, 292, 386, 387, 390
 Screven, Richard, 178
 Whitmarsh Benjamin, Governor, 1848, 240, 275
 Seabrook, Henry, 411, 415, 416
 Secession Ordinance, 364
 Secessionists, 288
 Secessionville, fight at, 452
 Selfridge, T. O., 288
 Seminole War, 181
 Sequestration Act, argument of Petigru, 395-409
 Seward, W. H., 426, 465
 Shannon, 243
 Sherman, General William T., 416, 419
 Letter to William Carson, 420
 Letter to Mrs. William Carson, 420
 Simons, 62, 339
 Simonton, Charles H., 348
 Revision of code by, 359
 Sims, William Gilmore, 78
 Sinclair, John, 266
 Singleton, 249, 292
 Mr. and Mrs., 245
 Mrs. Matt., 244
 Sitgreaves, 258
 Skinner, Mrs., 251
 Slavery question, 280-283
 Views of Petigru, 347
 Smalley case, 350
 Smith, Albert, 179
 Barnwell Rhett, 84, 104, 181
 Benjamin, 202, 273
 "Grassy," 49
 James, 88, 138
 General Kirby, 441, 470
 Mrs. Middleton, 239
 Oliver, 221
 Thomas Rhett, 84
 Snowden, Charles, 208
 Prof. Yates, 102
 South Carolina College, 283
 Historical Society, 318, 326
 Railroad Bridge case, 346
 South Western Railroad Bank, 212
 Southern Confederacy, 122, 368, 372
 Spratt, 315
 Stapleton, Colonel, 181
 Starke, Thomas, 187
 States' Rights doctrine, 78
 Stecker, Archbishop of Canterbury, 7
 Stevens, Charles, 308
 Stevenson, Andrew, 245
 Mr., 247, 249
 Charles, 266
 Stewart, servant, 245
 St. Mary's College, Maryland, 197
 Stoney, John, 189
 Samuel G., 189
 Story, Judge, 250
 St. Pierre, Louis Dumesnil de, 343
 Street, Henry and George, 253
 Stewart, John A., 119, 224
 Submissionists, 79
 Sweet, Rev. Dr., 37
 Taber, W. R., Jr., 319
 Tait, General, 48-49
 Tallmadge, 216
 Talvan, Madame, 58
 Taney, 164
 Taylor, Josiah, 221
 Thomas, 110
 Zachary, 265, 274, 288
 Democratic clubs, 265
 Test Oath, 130, 140
 Texan Boundary Bill, 284
 Texas, disunion sentiment in, 193
 Thomas, 12
 Mrs. 210, 261
 Thompson, Waddy, 138
 Thornwell, Dr., 300
 Timothy, 242
 Mrs., 241
 Peter, 266
 Tinsley, Mr., 261

James Louis Petigi

- Titus, servant, 26
Tognio, Madame, 413
Tongo, Dr. John, 204
Toombs, Robert, 339
Touloon, Charles, 19
Trapier, James, 178
 Paul, 226, 249
Treggiano, Princess, 421
Treville, 351
Trewit, Squire, 56
Trezevant, John Farquhar, 46, 50
 Margaret, 202
 Peter, 50, 178, 202, 224, 260, 262, 263
Tucker, Starling, 110
Tupper, Miss, 370
 Mr., 313
Turner, Mr., 247
Tyler, Captain John, 245
 President, 206

Union and States' Rights convention, 91-96, 107-110
Union and States' Rights Party, 78
Unionists, 79

Van Buren, Martin, 160, 175
 Mrs. Abraham, 401, 446, 468
Vanderhorst, Arnoldus, 443
Verdier, James R., 99
 John Mark, 46
 Mrs., 348
Vesey, Denmark, 63

Waddell, Dr. Moses, 11, 28, 32, 59, 458
Ward, Sam, 379
Wardlaw, Judge, 196, 274, 275, 287, 313, 318
 Mrs., 195
Ware, Nathaniel Alcock, 307

Waring, D
Washington
Watts, B.
Wayne, Ju
Webb, gar
 Miss, 34
 Susan, 7
Webster, I
 293, 3
Welton, M
Whaley, W
 Sequestr
Whig Conv
 Party, 1
White, Bla
 E. B., 67
Whitner, J
Wickham,
Will of Pet
Williams, C
 Thomas,
Willington,
Wilson, Lic
Wingate, 4
Winthrop,
Wirt, 356
Withers, Ju
Witherspoo
Woodruff, 4
Wragg, Jos
 Samuel, 2
Wyatt, Eliz

Yancey, 35
Yates, Eliz
 J. D., 63
 Jerry, 13
Yeadon, Ri
 462
Youman, L
Young, Hen







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